



New York State Board for Professional Medical Conduct

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

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NYS Department of Health
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Office of Professional Medical Conduct

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Vice Chair
Ansel R. Marks, M.D., J.D.
Executive Secretary

January 19, 2000

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Moses Ashu Tambe, M.D.
15 Wedgewood Drive
Westbury, NY 11590

RE: License No. 153250

Dear Dr. Tambe:

Enclosed please find Order #BPMC 00-15 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **January 19, 2000**.

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
Hedley Park Place, Suite 303
433 River Street
Troy, New York 12180

If the penalty imposed by the Order is a fine, please write the check payable to the New York State Department of Health. Noting the BPMC Order number on your remittance will assist in proper crediting. Payments should be directed to the following address:

Bureau of Accounts Management
New York State Department of Health
Corning Tower, Room 1315
Empire State Plaza
Albany, New York 12237

Sincerely,



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

Enclosure

cc: Amy T. Kulb, Esq.
Jackson and Goldberg, LLP
585 Stewart Avenue
Garden City, NY 11530

Barry C. Plunkett, Esq.

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

IN THE MATTER
OF
MOSES ASHU TAMBE, M.D.

CONSENT
AGREEMENT
AND
ORDER

BPMC #00-15

MOSES ASHU TAMBE, M.D., (Respondent) says:

That on or about February 25, 1983, I was licensed to practice as a physician in the State of New York, having been issued License No. 153250 by the New York State Education Department.

My current address is 15 Wedgewood Drive, Westbury, New York 11590, 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 eight specifications of professional misconduct.

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

I do not contest the allegations to all charges contained in specifications third through fourth and specifications fifth, sixth and eighth of professional misconduct made against me, in full satisfaction of the charges against me. I hereby agree to the following penalty:

My license shall be suspended for a two (2) year period, which suspension shall be stayed and I shall be subject to a term of probation for a period of two (2) years in accordance with the terms and conditions set forth herein and as set forth in a copy of the Terms of Probation which is annexed hereto, made a part hereof, and marked as Exhibit "B".

I agree to a payment of a monetary fine in the amount of \$15,000 to be paid to the New York State Department of Health, Bureau of Accounts Management, Room 1315, Corning Tower, Empire State Plaza, Albany, New York 12237, payable in accordance with the terms and conditions set forth in Exhibit "B" and herein. My obligation to pay said monetary fine shall commence 30 days after the effective date of this Order. Said monetary fine shall be paid in an initial installment of \$5,000 and thereafter in ten (10) equal monthly installments of \$909.09 and one month's installment of \$909.10. The first of said payments (\$5,000) shall be paid no later than 30 days after the effective date of this Order. Each subsequent payment shall be paid by me on the first day of each succeeding month.

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

That, except during periods of actual suspension, I shall maintain current registration of my 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 I the licensee possess my license; and

That I 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 myself. I shall respond in a timely manner to each and every request by OPMC to provide written periodic verification of my compliance with the terms of this Order. I shall meet with a person designated by the Director of OPMC as directed. I shall respond promptly and provide any and all documents and information within my 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 I the licensee possess my 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)(McKinney Supp 1999).

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 1/7/2000


MOSES ASHU TAMBE, 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: 1/3/00

Amy T. Kulb
AMY T. KULB, ESQ.
Attorney for Respondent

DATE: 1/7/2000

Barry C. Plunkett
BARRY C. PLUNKETT
Associate Counsel
Bureau of Professional
Medical Conduct

DATE: Jan 12, 2000

Anne F. Saile
ANNE F. SAILE
Director
Office of Professional
Medical Conduct

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

IN THE MATTER
OF
MOSES ASHU TAMBE, M.D.

CONSENT
ORDER

Upon the proposed agreement of MOSES ASHU TAMBE, 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: 1/15/00



WILLIAM P. DILLON, M.D.
Chair
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
MOSES ASHU TAMBE, M.D. : CHARGES

-----X

MOSES ASHU TAMBE, M.D., the Respondent, was authorized to practice medicine in New York State on February 25, 1983, by the issuance of license number 153250 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about August 5, 1996, Respondent completed and signed an Application for Appointment to the National Emergency Services Northeast, Inc. (hereafter referred to as "NES")

1. He answered "No" to the following question:
"Have you ever been charged with/convicted of a felony?"

In fact, on or about October 18, 1993, Respondent had been arrested and charged in New York State Supreme Court, Criminal Court, Bronx County with committing the following felony crimes in violation of: 1.) New York State Penal Law §155.40--Grand Larceny in the Second Degree, a Class C Felony [stealing property the value of which exceeds fifty-thousand dollars (\$50,000)]; and 2.) New York State Penal Law §105.10--Conspiracy in the Fourth Degree, a Class E Felony. All of the charges were

dismissed upon Application of the People.

2. Respondent answered "No" to the following question:
"Have you ever had any administrative sanctioned or been suspended from participating in Title 18 (Medicare) or Title 19 (Medicaid) or are there any pending?"

In fact, on or about January 27, 1989, the New York State Department of Social Services (hereafter referred to as "DSS") determined that Respondent had violated DSS Medicaid Regulations, in that he committed unacceptable practices, and excluded him from further participation in that program. Thereafter, Respondent requested an Appeal Hearing contesting the exclusion and on October 18, 1989, DSS issued a Decision affirming the exclusion, and Respondent knew such facts.

B. On or about July 15, 1996, Respondent completed and signed a malpractice and privileges questionnaire for the Urgent Care Center, Guthrie Ambulatory Care Clinic, Fort Drum, Watertown, New York (hereafter referred to as "Urgent Care").

1. Respondent answered "No" to the following questions:
"Have(Yes)/Have Not(No) medical liability claims, settlements, judicial or administrative adjudications, or any other resolved or open charges of inappropriate, unethical, unprofessional or substandard professional practice?"

In fact, on or about January 27, 1989, DSS determined that Respondent had violated DSS Medicaid Regulations, and excluded him from further participation in that program. Thereafter, Respondent requested an Appeal Hearing contesting the exclusion and on October 18, 1989, DSS issued a Decision affirming the

exclusion, and Respondent knew such facts.

2. Respondent answered "No" to the following question:
"Are you now or have you ever been required to appear before any medical or state regulatory authority, regardless of the result, concerning your status as an impaired, hindered or otherwise restricted practitioner?"

In fact, on or about January 27, 1989, DSS determined that Respondent had violated DSS Medicaid Regulations, in that he committed unacceptable practices, and excluded him from further participation in that program. Thereafter, Respondent requested an Appeal Hearing contesting the exclusion and on October 18, 1989, DSS issued a Decision affirming the exclusion, and Respondent knew such facts.

C. On or about January 27, 1989, DSS determined that Respondent had violated DSS Medicaid Regulations, in that he committed unacceptable practices as defined in 18 NYCRR 515.2(b)(11) (Excessive Services) and 515.2(b)(12) (Failure to Meet Recognized Standards) of the Regulations, and excluded him from further participation in that program. Thereafter, Respondent requested an Appeal Hearing contesting the exclusion. On or about October 18, 1989, DSS issued a Decision affirming Respondent's exclusion from the Medicaid Program.

1. Respondent was found to have made medical chart entries which contained substantial fabricated and fictitious information.
2. Respondent was found to have failed to conduct physical examinations of patients which met professionally recognized standards for health care.

3. Respondent was found to have prescribed medications which were not medically necessary.

SPECIFICATIONS

**FIRST THROUGH SECOND SPECIFICATIONS
PRACTICING THE PROFESSION FRAUDULENTLY**

Respondent is charged with professional misconduct by reason of practicing the profession fraudulently within the meaning of N.Y. Educ. Law §6530(2), in that Petitioner charges:

1. The facts in Paragraphs A and A.1 and/or A.2.
2. The facts in Paragraphs B and B.1 and/or B.2.

**THIRD THROUGH FOURTH SPECIFICATIONS
WILLFULLY FILING A FALSE REPORT**

Respondent is charged with professional misconduct by reason of willfully filing a false report within the meaning of N.Y. Educ. Law §6530(21), in that Petitioner charges:

3. The facts in Paragraphs A and A.1 and/or A.2.
4. The facts in Paragraphs B and B.1 and/or B.2.

FIFTH SPECIFICATION

WILLFUL OR GROSSLY NEGLIGENT FAILURE TO COMPLY WITH SUBSTANTIVE PROVISIONS OF FEDERAL, STATE OR LOCAL LAWS, RULES OR REGULATIONS GOVERNING THE PRACTICE OF MEDICINE

Respondent is charged with professional misconduct under N.Y. Educ. Law §6530(16) by reason of his willful or gross negligent failure to comply with substantial provisions of federal, state or local laws, rules or regulations governing the practice of medicine in that the conduct resulting in the New York State Department of Social Services disciplinary action and adjudication against Respondent constitutes professional misconduct under the laws of New York State as set forth and charged by Petitioner in:

5. The facts in Paragraphs C and C.1, C.2. and/or C.3.

SIXTH SPECIFICATION

INADEQUATE RECORDS

Respondent is charged with professional misconduct under N.Y. Educ. Law §6530(32) by reason of his failing to maintain a record of each patient which substantially reflects the evaluation and treatment of the patient, in that Petitioner charges:

6. The facts in Paragraphs C and C.1, C.2. and/or C.3.

SEVENTH SPECIFICATION
ORDERING EXCESSIVE TESTS OR TREATMENT NOT WARRANTED BY THE
CONDITION OF THE PATIENT

Respondent is charged with professional misconduct under N.Y. Educ. Law §6530(35) by reason of his ordering excessive tests or treatment not warranted by the condition of the patient, in that Petitioner charges:

7. The facts in Paragraphs C and C.1, C.2. and/or C.3.

EIGHTH SPECIFICATION

Respondent is charged with professional misconduct in violation of N.Y. Educ. Law §6530(9)(c) by reason of having been guilty in an adjudication proceeding of violating a state or federal statute or regulation, pursuant to a final decision or determination and when no appeal is pending, or after resolution of the proceeding by stipulations or agreement, and when the violation would constitute professional misconduct pursuant to this section, in that Petitioner charges:

8. The facts in Paragraphs C and C.1, C.2. and/or C.3.

DATED: _____, 1999
Albany, New York

PETER D. VAN BUREN
Deputy Counsel
Bureau 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.
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.
7. Respondent shall comply with all terms, conditions, restrictions, limitations and penalties to which he or she is subject pursuant to the Order and shall assume and bear all costs related to compliance. Upon receipt of evidence of noncompliance with, or any violation of these terms, the Director of OPMC and/or the Board may initiate a violation of probation proceeding and/or any such other proceeding against Respondent as may be authorized pursuant to the law.