


THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, N.Y.

EXECUTIVE DIRECTOR, OFFICE OF PROFESSIONAL DISCIPLINE  
ONE PARK AVENUE, NEW YORK, NEW YORK 10016-5802

**PUBLIC**

February 24, 2000

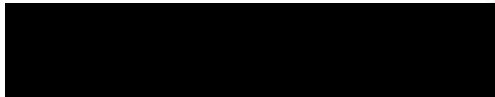
Hemalathadevi Tarikere, Physician  


Re: Application for Restoration

Dear Dr. Tarikere:

Enclosed please find the Commissioner's Order regarding Case No. 00-18-60 which is in reference to Calendar No. 17755. This order and any decision contained therein goes into effect five (5) days after the date of this letter.

Very truly yours,

DANIEL J. KELLEHER  
Director of Investigations  


Gustave Martine  
Supervisor

cc: Balijit Smgh, Esq.  
170 Broadway  
Suite 1007  
New York, New York 10038

The University of the State of New York  
Education Department



IN THE MATTER

of the

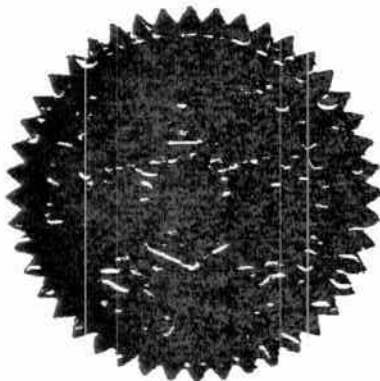
Application of HEMALATHADEVI  
TARIKERE for restoration of her  
license to practice medicine in the  
State of New York.

Case No. 00-18-60

It appearing that the license of HEMALATHADEVI TARIKERE, [REDACTED]  
[REDACTED] authorizing her to practice medicine in the State of New York,  
was revoked by action of the Board of Regents effective June 25, 1990, and she having  
petitioned the Board of Regents for restoration of said license, and the Regents having given  
consideration to said petition and having agreed with and accepted the recommendations of the  
Peer Review Panel and the Committee on the Professions, now, pursuant to action taken by the  
Board of Regents on February 8, 2000, it is hereby

ORDERED that the petition for restoration of License No. 157344, authorizing  
HEMALATHADEVI TARIKERE, to practice medicine in the State of New York, is denied.

IN WITNESS WHEREOF, I, Richard P. Mills,  
Commissioner of Education of the State of New York for  
and on behalf of the State Education Department, do  
hereunto set my hand and affix the seal of the State  
Education Department, at the City of Albany, this / 7 /  
day of February, 2000.



[REDACTED]  
Commissioner of Education

Case No. 00-18-60

It appearing that the license of HEMALATHADEVI TARIKERE, [REDACTED]  
[REDACTED] to practice medicine in the State of New York, having been  
revoked by action of the Board of Regents effective June 25, 1990, and she having petitioned the  
Board of Regents for restoration of said license, and the Regents having given consideration to  
said petition and having agreed with and accepted the recommendations of the Peer Review  
Panel and the Committee on the Professions, now, pursuant to action taken by the Board of  
Regents on February 8, 2000, it was

VOTED that the petition for restoration of License No. 157344, authorizing  
HEMALATHADEVI TARIKERE, to practice medicine in the State of New York, be denied.

Case number 00-18-60

December 7, 1999

THE UNIVERSITY OF THE STATE OF NEW YORK  
The State Education Department

Report of the Committee on the Professions  
Application for Restoration of Physician License

Re: **Hemalathadevi Tarikere**

Attorney: Balijit Singh

Hemalathadevi Tarikere, [REDACTED] petitioned for restoration of her physician license. The chronology of events is as follows:

- 02/14/84 Issued license number 157344 to practice medicine in New York State.
- 07/24/89 Convicted of one count of Grand Larceny, and 20 counts of Offering a False Instrument for Filing. (See "Disciplinary History.")
- 11/14/89 Charged with professional misconduct by the Department of Health.
- 05/04/90 Regents Review Committee recommended revocation.
- 05/25/90 Board of Regents voted revocation.
- 06/25/90 Commissioner's Order effective.
- 09/25/91 Submitted first Application for Restoration.
- 04/23/93 Peer Committee restoration review.
- 10/19/93 Peer Committee recommended granting application for restoration.
- 02/09/94 Committee on the Professions recommended denying application for restoration.
- 05/20/94 Board of Regents voted to deny application for restoration.
- 07/05/94 Commissioner's Order effective.
- 09/22/94 CPLR Article 78 petition filed with Supreme Court of the State of New York, County of Albany.

- 02/03/95 Memorandum and Judgment of Supreme Court, County of Albany confirming the decision of the Board of Regents and dismissing the applicant's petition.
- 11/06/96 Submitted second Application for Restoration.
- 02/23/99 Peer Committee restoration review.
- 05/05/99 Report and recommendation of Peer Committee. (See "Recommendation of the Peer Committee.")
- 08/26/99 Report and recommendation of Committee on the Professions. (See "Recommendation of the Committee on the Professions.")

**Disciplinary History.** (See attached disciplinary documents.) On November 14, 1989, the Department of Health charged Dr. Tarikere with professional misconduct for having been convicted of committing an act constituting a crime under New York State Law. The charges were based on her July 24, 1989 conviction in Supreme Court, Queens County, of one count of Grand Larceny, Second Degree, a Class C felony and of 20 counts of Offering a False Instrument for Filing, a felony. Dr. Tarikere was sentenced to five years' probation, fined \$25,000, ordered to perform one thousand hours of community service and pay restitution of \$108,000 plus interest.

Dr. Tarikere's conviction was based on her incorrectly billing Medicaid for "special consultation" services and "unusual travel" expenses. Dr. Tarikere billed Medicaid twice for the treatment of one patient in the context of a single visit, first for her general practitioner services and second for consultation services as a specialist. She continued this billing practice for several years, and accumulated \$108,000 to which Medicaid claimed she was not entitled. On May 4, 1990, a Regents Review Committee recommended that her license be revoked. On May 25, 1990, the Board of Regents concurred with that recommendation, and the Commissioner's Order became effective on June 25, 1990.

On September 25, 1991, Dr. Tarikere applied for restoration of her physician license. In its report, dated October 19, 1993, a Peer Committee (Courmos, Diamond, Iraj) recommended that Dr. Tarikere's application for restoration be granted. The Committee report stated that, "We are not convinced that applicant's initial motivation was to steal, but that the pressures of her situation caused her errors." (p. 10) The Committee on the Professions (Szetela, Ahearn, Sauer) did not agree with the Peer Committee and recommended that the application be denied. The Committee on the Professions (COP) stated that the Peer Committee failed to identify any "pressures" that they believed contributed to Dr. Tarikere's criminal activities. Further, the COP did not believe that the record supported the Peer Committee's conclusion that Dr. Tarikere's initial motivation was not to steal. Rather, the COP believed that Dr. Tarikere's convictions indicated that she knowingly and intentionally procured funds to which she was not entitled "with the intent to defraud the State of New York." (Report of the Committee on the Professions, 94-15-60R, p. 2) The COP found that "Dr. Tarikere had

not satisfactorily dealt with the underlying causes of her professional misconduct" and "had not confronted the dynamics of her behavior or acknowledged the fact that she knowingly filed false Medicaid claims." The Committee believed that Dr. Tarikere was evasive when explaining her professional misconduct. The Committee found that she still insisted that the facts of her misconduct amounted to no more than billing errors made by a billing company which had failed to inform her of the correct way to bill. Because it felt that Dr. Tarikere exhibited no insight into why she committed the professional misconduct for which she was disciplined, the Committee concluded that Dr. Tarikere was not yet ready to return to the practice of medicine in New York State. (Report of the Committee on the Professions, 94-15-60R, p. 7)

On May 20, 1994, the Board of Regents accepted the recommendation of the Committee on the Professions and voted to deny Dr. Tarikere's application for restoration. The Commissioner's Order was effective on July 5, 1994. On September 22, 1994, Dr. Tarikere filed an Article 78 appeal of the Board of Regents decision with the Supreme Court, County of Albany. On February 3, 1995, the Court confirmed the Board of Regents decision and dismissed Dr. Tarikere's petition.

On November 6, 1996, Dr. Tarikere submitted her second application for restoration.

**Recommendation of the Peer Committee.** (See attached Report of the Peer Committee.) The Peer Committee (Harris, Carone, Kavalier) convened on February 23, 1999. In its report dated May 5, 1999, the Committee recommended unanimously that Dr. Tarikere's application for restoration be denied.

**Recommendation of the Committee on the Professions.** On December 7, 1999, the Committee on the Professions (Duncan-Poitier, Ahearn, Muñoz) met with Dr. Hemalathadevi Tarikere to consider her application for restoration. Balijit Singh, her attorney, accompanied her. Dr. Tarikere presented the Committee with documentation of additional, recent continuing education activities she had completed.

The Committee asked Dr. Tarikere to explain what led to the loss of her license. Rather than answer, she replied, "I miss my profession very much. I'm still trying to use my license." Upon further probing by the Committee, she indicated briefly that it was because of false instruments. The Committee again asked her to explain what happened in her own words. She said that a jury found her guilty. The Committee asked if she did file the false instruments. Dr. Tarikere did not directly answer, instead replying: "I'm sorry. It will not be repeated again."

When asked for her reaction to the Peer Committee report, she said that she does deserve to be licensed. She stated that she has repented, has done a lot of suffering, is rehabilitated, and has "learned how careful I have to be in all aspects." The Committee asked Dr. Tarikere what she has done to rehabilitate herself if what she originally did was not her fault. She replied that she has learned that she needs to pay more attention to other things besides the doctor-patient relationship. She indicated that she has observed what's done in clinics.

The Committee asked Dr. Tarikere what was her compelling reason for having her license restored. She said that she was a good physician and had done more than the usual efforts to reeducate herself. She indicated that she has studied a lot in the field of neurodiagnostics where there are currently not enough qualified people. When asked to describe her practice at the time of the misconduct, Dr. Tarikere said she was a general practitioner who saw a lot of patients requesting evaluations and examinations for temporary disabilities. She told the Committee that this was an area in which she had knowledge but felt she made a mistake by catering to the patients. She reported that the patients were poor and often needed more detailed examinations. She said that the examinations she gave were detailed and so she submitted claims to Medicaid for both a general and comprehensive specialist examination even though it was only one exam. Dr. Tarikere told the Committee that she felt she was doing nothing wrong because she thought the comprehensive examination included the general examination. She reported that Medicaid told her that both services could not be billed on the same date. She said that she did not know this and would, in the future, solve the problem by seeing patients twice and billing for separate visits.

Dr. Tarikere outlined her recent experiences as an insurance company examiner, a paramedical examiner, and a neurotechnologist. If her license were restored, she indicated that she would like to be a teacher to train neurotechnologists and work in the field of neuromonitoring. When asked how she would practice differently, Dr. Tarikere said that she would not be a general practitioner and there would be no billings except as a specialist. She stated that the misconduct would not be repeated as she has gone through enough. Additionally, she indicated that she would work part-time as a teacher and part-time for a corporation or hospital. The Committee inquired as to how she felt her rehabilitation was connected to what went wrong. She replied, "I would not be greedy enough to work as both. It's the only reason I got into trouble."

The Committee indicated to Dr. Tarikere that she said the misconduct was only a mistake but the jury who convicted her thought it was more than a mistake. The Committee asked her to clarify why she felt the misconduct occurred. She answered, "If I was so motivated for money, why would I see Medicaid patients? It was not a real greed. I didn't want the patients to go and get lost. It was greed for small things – not greed in a big way." She reported that prior to opening the practice in this State, she only worked in hospitals and did no billing personally. She said, "Here's my honest answer. It was a lack of knowledge on my part on billing. Whether greed or error or whatever it was, it has been rectified. You have to be clean with yourself. I'm guilty of submitting those false instruments. My ability as a clinician was not questioned."

The Committee asked if there was anything else, any compelling reason for it to recommend restoring her license. She answered, "I've never, never done anything to jeopardize patient care." She reported that her patients received no narcotics prescriptions from her and she often counseled them about getting off drugs. When asked by the Committee what she felt in her heart was the cause of the misconduct, Dr. Tarikere replied, "It was not greed." She said that she often had to wean her patients off 6 or 7 medications and they had no money to see other specialists for consultations. She stated, "I may have been greedy on an intellectual basis." She told the Committee that she was so ignorant about billing procedures and the billing company didn't help

her at all. She reported that there was another doctor who was dual billing in that manner and said, "Monkey see. Monkey do." The Committee noted that she said she would not have seen Medicaid patients if her intent was to make a lot of money and asked her if she didn't feel that \$108,000, the amount taken, was a lot of money. Dr. Tarikere replied incredulously, "In four years?" (emphasis supplied) She said that looking back she felt that she should have confined herself to only billings as a generalist but that she still doesn't really think she was criminally guilty.

In response to prompting from her counsel, Mr. Singh, she admitted that she submitted the claims to get money from New York State. She said, however, she did not bill to commit fraud. She stated that she was guilty of billing for the other service when she "could have included the whole thing in one package." Mr. Singh then told the Committee that Dr. Tarikere realizes she did it for personal gain and is very remorseful. He said that it was his observation that Dr. Tarikere does understand that they were not mistakes and that it would not happen again in the future.

The overarching concern in all restoration cases is the protection of the public. A former licensee petitioning for restoration has the significant burden of satisfying the Board of Regents that licensure should be granted in the face of misconduct that resulted in the loss of licensure. There must be a clear preponderance of evidence that the misconduct will not recur and that the root causes of the misconduct have been addressed and satisfactorily dealt with by the petitioner. The Committee on the Professions (COP) believes it is not its role to merely accept as valid whatever is presented to it by the petitioner but to weigh and evaluate all of the evidence submitted and to render a determination based upon the entire record.

The Committee on the Professions (COP) concurs with the conclusion of the Peer Committee that Dr. Tarikere has ample reeducation and pointed out to her during its meeting with her that her competency as a physician was not in question when she met with the COP in 1994 and is not the main concern now. The Committee finds that Dr. Tarikere has still not adequately addressed the concerns raised by the COP in 1994. The COP concurs with the Peer Committee that she "has not demonstrated, by compelling evidence, that she understands the severity of the felony conviction that caused her revocation, or that she has taken sufficient steps to rehabilitate herself following her criminal acts." Contrary to Dr. Tarikere's implication that \$108,000 was not a lot of money, the COP believes this amount of fraud is significant. The Peer Committee found that Dr. Tarikere still has not come to grips with the root causes of her misconduct nor her responsibility for its occurrence, and the COP concurs with this assessment. COP members provided every opportunity at different points in their meeting with Dr. Tarikere for her to offer a clear, honest, and forthright explanation of why the misconduct occurred. However, she provided different explanations at different times, leaving the COP still wondering whether she comprehended the root causes of her misconduct and her professional responsibility so that she could have taken the necessary rehabilitative steps. The COP, as well as the Peer Committee, did not find her responses totally credible. Moreover, Dr. Tarikere's explanation that she should have seen her patients on two different days so that she could bill Medicaid twice misses the point: she billed Medicaid twice for a single service, and splitting them out on two days is not an ethical solution.



Therefore, after a complete review of the record and its meeting with her, the Committee on the Professions voted unanimously to concur with the recommendation of the Peer Committee that Dr. Tarikere's application for restoration of her license to practice as a physician in the State of New York be denied at this time.

Johanna Duncan-Poitier, Chair

Kathy A. Ahearn

Frank Muñoz



# The University of the State of New York

NEW YORK STATE EDUCATION DEPARTMENT  
OFFICE OF PROFESSIONAL RESPONSIBILITY  
STATE BOARD MEDICINE

-----X

In the Matter of the Application of

**HEMALATHADEVI V. TARIKERE**

for the restoration of her license to  
practice as a physician in the State of  
New York.

-----X

REPORT OF  
THE PEER  
COMMITTEE  
CAL. NO. 17755

**HEMALATHADEVI V. TARIKERE**, hereinafter referred to as the applicant, was previously licensed to practice as a physician in the State of New York by the New York State Education Department. The applicant's license was revoked after a professional misconduct proceeding, and she has applied for restoration of this license.

On February 23, 1999, this Peer Committee convened to review this matter and make the following recommendation to the Committee on the Professions and the Board of Regents.

## BACKGROUND INFORMATION

The written application, supporting papers provided by the applicant, and papers resulting from the investigation conducted by the Office of Professional Discipline (OPD) have been

compiled by the prosecutor from OPD into a packet that has been distributed to this Peer Committee in advance of its meeting and also provided to the applicant.

Listed below is the background information from that packet and the information contained in the applicant's submissions on the day of the meeting. Further details pertaining to these documents may be found therein.

### PRIOR DISCIPLINE PROCEEDING

#### Action by the Board of Regents

June 1, 1990 - An Order of the Board of Regents was issued, revoking the applicant's license and registration to practice as a physician in the State of New York.

#### Nature of the Charges

The applicant was charged with committing professional misconduct by having been convicted of committing an act constituting a crime under New York State Law.

#### Nature of the Misconduct

On July 24, 1989, the applicant was convicted, after a jury trial, of one count of Grand Larceny, second degree, a class C felony, and twenty counts of Offering a False Instrument for Filing, a felony. Upon conviction, the applicant was sentenced to five years probation on each count (to run concurrently), was fined \$25,000, ordered to perform one thousand hours of community service, and ordered to pay \$108,000 plus interest in restoration. While a practicing physician, the applicant submitted claims to fiscal agents of the State of New York under the Medicaid program, knowing that they contained false statements and false information, and received \$108,000 as a result of these claims.

PRIOR RESTORATION PROCEEDING

October 19, 1993

The report of a Peer Review Panel was issued, recommending that the applicant's petition for restoration of her license to practice medicine be restored.

February 9, 1994

The report and recommendation of the Committee on the Professions was issued, recommending that the applicant's petition for restoration of her license to practice medicine be denied. The Committee on the Professions reviewed the Peer Committee report, and the record accompanying it, and determined that the record did not support the restoration of the applicant's license. The Committee observed that in order to have been convicted by a jury of the charges against her, it was required that the applicant be found to have knowingly stolen money and knowingly filed false statements with the intent to defraud the State of New York. In statements before the Committee, the applicant had repeatedly characterized her misconduct as a billing error, and stated that the billing company she employed had never told her that her billing procedures were wrong. The Committee determined that, given the fact that the applicant was convicted of criminal offense after a jury trial, her explanation of her misconduct was not credible and that this indicated that she posed a significant risk to the public of repeating such misconduct. In addition, the Committee found that the applicant had not come to grips with the root causes of her misconduct, or even acknowledged the fact that she filed false Medicaid claims. The Committee concluded that because the applicant exhibited no insight into why she committed misconduct, she was not yet ready to return to the practice of medicine in New York State.

June 20, 1994

An Order of the Board of Regents was issued, denying the applicant's petition for restoration of her license to practice medicine.

The applicant challenged the Regents action in a court proceeding pursuant to Article 78 of the CPLR, but was not successful in this challenge.

### PETITION FOR RESTORATION

The applicant submitted an eight page petition dated November 17, 1996. She requests in her introduction that the Committee "...understand the REAL ME (so in original) and not judge me by the paperwork negligence that led to the charges of criminal false instruments." She expresses sorrow for not paying attention to accurate medical billing, and asserts that similar mistakes will not be made in the future.

In the next portion of her petition entitled "Reason for Requesting Restoration of New York State Medical License," she states that after fifteen years of higher education, and several years of clinical experience, she is a physician by mental make up, and misses the profession very much. She explains that she intends to remain New York, as she has a son and other relatives in New York City, and desires her license as a means for her livelihood. She states that she is currently working as a neuro-technologist and has developed experience and knowledge regarding disorders of the peripheral nervous system. In the event her license is restored, the applicant indicates that she intends to limit her practice to this specialty. With regard to the criminal conviction, the applicant apologizes for her "negligence of paperwork and billing procedures ," and states that she had a natural dislike for computers and insurance payment policies based on codes rather than the names

and details of the procedures performed. She expresses a willingness to make sure that this billing is done properly in the event her license is restored.

The petition thereafter details the applicant's continuing medical education since her revocation, and the specifics of her compliance with the restitution and community service components of her sentence.

In a concluding section entitled "About My Remorse and Rehabilitation," the applicant expresses sorrow for her "gross ignorance" in billing procedures and policies, and asserts that these mistakes will not be repeated. She indicates that she does not intend to work in Medicaid clinics in the future, and states that she had rehabilitated herself by learning coding and billing methodologies from a variety of organizations, including the American Medical Association and the American Association of Electro-diagnostic Medicine.

#### ATTACHMENTS TO THE PETITION

- Chronological list of activities since graduation from professional school.
- Seven affidavits of reference on behalf of the applicant from professional colleagues and friends.

#### INVESTIGATION BY OPD

Subsequent to the filing of the petition, OPD conducted an investigation for the purposes of this proceeding. Information from that investigation, including reports from the investigators and other documentation, was made part of the packet for the proceeding. Certain information in the packet has been summarized above. Among the information not already summarized is a report from the investigator dated July 8, 1997.

This report summarizes an interview with the applicant conducted on June 12, 1997. In this

interview, the applicant expressed her opinion that the Regents revocation of her license and the denial of her first petition for restoration was not justified, since the offenses involved did not involve direct patient care, but were due to bad judgment in billing procedures. She stated that the basis for the criminal charge was her practice of billing for two procedures on the same day which was not permitted under the Medicaid rules. She also described in detail her fulfillment of the community service requirements of her sentence, her continuing legal education, and her work history since her license revocation.

The applicant expressed her belief that her license should be reinstated, stating that in her mind she is still a physician, and does not want any other vocation. She wants to use the education and knowledge that she has, and would not repeat the conduct which caused her revocation. She took full responsibility for the improper billing practices which led to her criminal conviction.

The submission by OPD also included the following material, not already summarized:

- investigator's summary from the applicant's prior petition for restoration, dated July 27, 1992, in which the applicant is reported to have told an investigator that formal action would be taken against her license in Pennsylvania if she should seek to practice there;
- the applicant's resume;
- letter from NYC Department of Probation dated December 26, 1991, attesting to the applicant's compliance with the conditions of her probation;
- letter from NYC Department of Probation dated July 2, 1997, attesting to the applicant's successful completion of probation;
- letter dated March 14, 1997 from the New York State Department of Health's Office of Professional Medical Conduct, indicating that the Office takes no position on the applicant's petition;

- four typewritten letters from individuals to the Department in support of the applicant's petition;
- five affidavits from individuals submitted to the Department in support of the applicant's petition;
- twenty nine pages of documentation regarding the community service component of the applicant's sentence;
- twenty nine pages of documentation regarding the applicant's compliance with the terms of her of probation;
- thirty one pages of documentation regarding the applicant's continuing medical education;
- three supporting affidavits from individuals, submitted to the Department as part of the applicant's prior petition for restoration;
- seven letters from individuals, submitted to the Department as part of the applicant's prior petition for restoration;
- twenty four pages of documentation regarding the applicant's payment of the restitution and fine portion of her sentence.

**PEER COMMITTEE**

On February 23, 1999, this Peer Committee met to consider this matter. The applicant appeared before us personally, and was represented by an attorney, Balijit Singh, Esq. Also present was Kenneth J. Appell, Esq., an attorney who appeared on behalf of the Division of Prosecutions of OPD.

Additional documentary evidence was placed on the record at the hearing, consisting of the applicant's updated resume, five additional supporting affidavits, and thirty four additional pages of documentation relating to the applicant's continuing medical education.

In her testimony, the applicant explained that she is currently employed as a neuro-



technologist in the field of peripheral neurology and teaches in the field of electrodiagnostic medicine. When asked by her attorney about her continuing education, she provided detailed testimony regarding the seminars and meetings she has attended in this field, and explained the independent research and study she has performed. When asked whether she was confident that the problems which she had in the past would not occur again, the applicant agreed, expressing her intention to be involved in a highly specialized area of medicine and describing her training in the area of bill coding since her revocation. She also stated that she had repented, and went on to describe medical problems encountered by her mother and sister during her revocation period, stating that she could not supervise her mother's care before her death, but that she was able to detect a nerve problem which her sister developed, and have it treated.

On cross examination by Mr. Appell, the applicant explained that she had medical licenses in the States of Georgia and Maryland which had been revoked following the Regents action. She stated that her Pennsylvania license is inactive and, "...they will not take action at this time, but when I come to practice, then they will see." She revealed additional detail regarding her current employment, stating that she is an independent contractor, providing the results of her testing to the physicians for whom she works, who in turn interpret the results. She also described her employment before her revocation, stating she was involved in a general practice, and that she contracted out the billing to a separate company. Mr. Appell questioned the applicant regarding the typewritten letters of support which were on the record, specifically the letter signed by Awilda Mendez. This letter was one of several type written letters which were very similar in appearance, and her name appears as "Avilda" on the letter. When asked, the applicant denied writing or typing the letter on behalf of this individual, or writing or typing any of the other letters submitted on her behalf.

The applicant was then questioned by the Peer Committee, and was asked about her statement to the OPD investigator that the State of Pennsylvania would take action against her if she returned, contrasting this to her testimony that she did not know what action Pennsylvania would take. The applicant denied that these two statements were inconsistent. The applicant was also asked about her arrangement with her billing contractor, and she responded by stating that she supervised this company's activities on her behalf, but that both her and the company were responsible for the errors which occurred. The applicant also stated that the improper billing practices which she was prosecuted for took place over a three year period. When asked what she meant by taking "full responsibility" for her past practice, she stated that "...I, as a responsible physician, did a blunder on paper." She was further questioned regarding her statements before the Committee on the Professions during the prior proceeding, in which her prior practice was characterized as "negligence." The applicant maintained this position, stating that she was "unaware" of her obligation to be responsible. She used the analogy of driving through a red light on a dead end street, stating that she continued to cross against the light, until caught by the police.

The applicant was also asked by the Committee to address the finding of the Committee on the Professions in the prior proceeding that she had evidenced insufficient understanding and remorse. The applicant expressed her remorse, and when asked who besides herself was hurt by her actions, the applicant mentioned her family, particularly her son, her friends, and the insurance company and the New York State public. She repeated that she hurt herself "most." Upon re-direct questioning by her attorney, the applicant agreed that New York State was hurt by her false claims. Upon re-cross examination by Mr. Appell, the applicant admitted that her fraudulent billing began approximately one year after she was licensed to practice as a physician in New York in February of 1984.

The applicant then called Dr. N.S. as a witness. Dr. N.S. employed the applicant in his firm as a neurological technician, and testified, on direct examination, regarding her honesty. He also stated his intention to hire the applicant as a physician in the event her license is restored. On cross examination, Dr. N. S. indicated that he was aware that the applicant's license was in an inactive status from the time he hired her, but that he only learned of the details of her revocation recently, in connection with the current restoration proceeding. Upon questioning by the Committee, the doctor gave his opinion that the applicant's work was of good quality.

The applicant's final witness was Ms. L.F., who testified that she met the applicant through her involvement with the Right of Christian Initiation of Adults (RCIA) program at St. Patrick's Cathedral. Ms. L.F. provided the Committee some background on the RCIA program, through which adults are converted to Catholicism, and testified as to the applicant's honesty and openness.

### RECOMMENDATIONS

It is the unanimous opinion of the Committee that the applicant's license to practice medicine should not be restored. We have considered the three criteria used in restoration determinations: re-education, rehabilitation and remorse, and have found that the applicant has not demonstrated fulfillment of these criteria.

With regard to reeducation, the applicant has submitted evidence that during the years since her license was revoked in 1990, she has diligently continued her professional education. She currently is employed as a neuro technologist, and has made substantial effort towards developing her expertise in this field. Documentary evidence on the record reflects that the applicant has regularly attended symposiums and seminars in the field of neurophysiological monitoring and

electromyography, receiving certificates of continuing education credit in these fields. The applicant's testimony at the hearing reflected her competence in these areas, a competence which has been developed since her revocation. The record contains ample evidence of the applicant's fulfillment of the reeducation criteria.

However, the applicant has not demonstrated a fulfillment of the remaining two criteria, rehabilitation and remorse. Specifically, this Committee finds that the applicant has not demonstrated, by compelling evidence, that she understands the severity of the felony conviction which caused her revocation, or that she has taken sufficient steps to rehabilitate herself following her criminal acts.

The record shows that the applicant was convicted, following a jury trial of one count of Grand Larceny in the Second Degree, and twenty counts of Offering a False Instrument in the First Degree. All of these crimes are felonies, and all involved the submission of fraudulent Medicaid claims. The convictions reflect a finding that the applicant acted willfully, and the applicant admitted in testimony before this Committee that the acts took place over a three year period, and began only one year after her licensure as a physician in the State of New York. These convictions required the applicant to remit over \$113,000 in restitution, with interest, and a \$25,000 fine. The severity of these crimes, the length of time over which they occurred, and the fact that the criminal activity began so soon after the applicant obtained her New York State license are all factors which entered into our decision not to restore the applicant's license.

In response to her previous request for restoration, the Committee on the Professions found, in a report dated February 9, 1994, that the applicant had not yet satisfactorily dealt with the underlying causes of her professional misconduct, and had exhibited no insight into why she committed this misconduct. The Committee noted the applicant's assertion that the matter involved

a billing error, committed by a billing company hired by the applicant for this function, and concluded that the applicant had not come to grips with the root causes of her misconduct. We find, based upon her testimony before this Peer Committee, that the applicant's attitude towards her conviction has not changed to a degree which would compel restoration of her license.

Specifically, we note her characterization of her conduct in her petition as "paperwork negligence," and her statement to the OPD investigator in her interview on June 12, 1997 that her conviction was only due to "bad judgment." We also note her testimony before this Committee in which she repeated her previous position that the conviction arose due to negligence. While the applicant has a right to maintain her innocence of the criminal charges, these statements reflect a continuing misunderstanding of the significance of a criminal conviction, and of the severity of the crimes she was convicted of.

In addition, discrepancies in the evidence presented by the applicant cast doubt upon her credibility. In her statement to investigators as part of her original petition for restoration, the applicant acknowledged that, were she to return to practice in Pennsylvania, formal action would be taken against her due to her status in New York. However, in testimony before this Committee, she indicated that she did not know what Pennsylvania would do. We find this response to be evasive, and not credible. We also note her testimony that she was being paid as an independent contractor by Dr. N.S., and his contrasting testimony that she was a salaried employee. Also troubling were certain of the letters of recommendation submitted on the applicant's behalf. Her explanation regarding the source of the letters of recommendation was not satisfactory, and the similar appearance of these letters is suspicious.

When asked to address her remorse, the applicant's initial response was directed solely towards the impact that the conviction had upon her personally. Only after prompting by the Panel

and her attorney did the applicant express concern over the affect her crime had upon the State and her profession. This focus was similar to that reflected in the determination of the Committee on the Professions in the prior proceeding. It reflects a failure on the part of the applicant to fully appreciate the seriousness of her prior offenses, except in terms of its impact on her own life. The applicant has not demonstrated an understanding that Medicaid fraud is a serious offense, with implications beyond the punishment she has suffered.

For these reasons, it is therefore the unanimous recommendation of this Peer Committee that the application before us for restoration to practice as a physician be denied.

Respectfully submitted,

DAVID HARRIS, M.D.,

Chairman,

PATRICK F. CARONE, M.D.

FLORENCE KAVALER, M.D.



Chairman

Dated

The University of the State of New York  
Education Department



IN THE MATTER

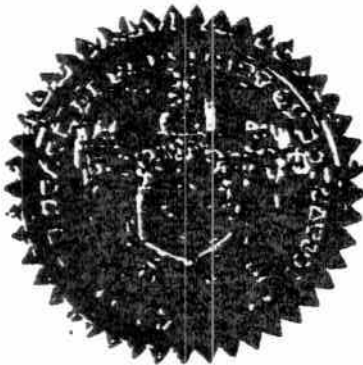
of the

Application of HEMALATHADEVI  
TARIKERE for restoration of her license  
to practice medicine in the State of New York

Case No. 94-15-60R

It appearing that the license of HEMALATHADEVI TARIKERE, [REDACTED]  
[REDACTED] to practice medicine in the State of New  
York, having been revoked by action of the Board of Regents on May 25, 1990, and she  
having petitioned the Board of Regents for restoration of said license, and the Regents  
having given consideration to said petition, and having agreed with and accepted the  
recommendation of the Committee on the Professions, now, pursuant to action taken by the  
Board of Regents on May 20, 1994, it is hereby

ORDERED that the petition for restoration of license No. 157344, authorizing  
HEMALATHADEVI TARIKERE to practice medicine in the State of New York, is  
denied.



IN WITNESS WHEREOF, I, THOMAS SOBOL,  
Commissioner of Education of the State of New  
York, for and on behalf of the State Education  
Department, do hereunto set my hand and affix  
the seal of the State Education Department at  
the City of Albany, this 26<sup>th</sup> day of June,  
1994.

[REDACTED]  
Commissioner of Education

Case No. 94-15-60R

It appearing that the license of HEMALATHADEVI TARIKERE, [REDACTED] [REDACTED] to practice medicine in the State of New York, having been revoked by action of the Board of Regents on May 25, 1990, and she having petitioned the Board of Regents for restoration of said license, and the Regents having given consideration to said petition, and having agreed with and accepted the recommendation of the Committee on the Professions, now, pursuant to action taken by the Board of Regents on May 20, 1994, it was

VOTED that the petition for restoration of license No. 157344, authorizing HEMALATHADEVI TARIKERE to practice as a physician in the State of New York, be denied.



94-15-60R  
February 9, 1994

THE UNIVERSITY OF THE STATE OF NEW YORK  
The State Education Department

Report of the Committee on the Professions  
Application for Restoration of Medical License

Re: Hemalathadevi Tarikere

Attorney: Joseph O. Giaimo

Hemalathadevi Tarikere, [REDACTED] petitioned for restoration of her medical license. The chronology of events is as follows:

- 02/14/84 Licensed to practice medicine in New York State.
- 07/24/89 Convicted of one count of Grand Larceny, and 20 counts of Offering a False Instrument for Filing. (See "Disciplinary History.")
- 05/04/90 Regents Review Committee recommended that license be revoked.
- 05/25/90 Regents voted revocation.
- 06/25/90 Commissioner's Order effective.
- 09/25/91 Petition for restoration submitted.
- 04/23/93 Peer Panel restoration review.
- 10/19/93 Recommendation of Peer Review Panel. (See "Recommendation of Peer Review Panel.")
- 02/09/94 Report and recommendation of the Committee on the Professions. (See "Recommendation of the Committee on the Professions.")

Disciplinary History. (See attached report of the Regents Review Committee.) On November 14, 1989, the Department of Health charged Dr. Tarikere with professional misconduct in that she had been convicted of committing an act constituting a crime under New York State Law. On July 24, 1989, Dr. Tarikere was convicted, after a jury trial, of one count of Grand Larceny, Second Degree, a Class C felony, and of 20 counts of Offering a False Instrument for Filing, a felony. Dr. Tarikere was sentenced to five years probation, fined \$25,000.00, ordered to pay \$108,000.00 plus interest in restitution, and ordered to perform one thousand hours of community service.

On May 4, 1990, the Regents Review Committee (Griffith, Bolin,

Picariello) recommended that Dr. Tarikere's license be revoked. On May 25, 1990, the Board of Regents voted revocation. The Commissioner's Order became effective on June 25, 1990.

Recommendation of Peer Review Panel. (See attached report of the Peer Review Panel.) The Peer Review Panel (Cournos, Diamond, Iraj) met on April 23, 1993. In its report, dated October 19, 1993, the Panel recommended that Dr. Tarikere's license be restored.

Recommendation of the Committee on the Professions. On February 9, 1994, the Committee on the Professions (Szetela, Ahearn, Sauer) reviewed the petition of Hemalathadevi Tarikere for the restoration of her license as a physician. Dr. Tarikere appeared personally and was represented by her attorney, Anna Martin, Esq.

The Committee has reviewed the Peer Review Panel report and the record accompanying it. The Committee has determined that the record, including Dr. Tarikere's statements before the Committee, does not support the restoration of Dr. Tarikere's license. The Committee noted that the Peer Review Panel recommended the restoration of Dr. Tarikere's license. In so recommending, the Peer Review Panel stated: "We are not convinced that applicant's initial motivation was to steal, but that the pressures of her situation caused her errors." The Peer Review Panel provided no explanation as to what these "pressures" were, and the Committee finds that the record does not establish that any such "pressures" existed. Indeed, in order to have been convicted by a jury of the crimes charged against her, it was expressly required that Dr. Tarikere be found to have knowingly stolen money and to have knowingly filed false statements with the intent to defraud the State of New York. The Peer Review Panel's observation that Dr. Tarikere's initial motivation was not to steal is contradicted by the record of Dr. Tarikere's criminal convictions and is an insupportable collateral attack on the validity of those convictions. The Committee found Dr. Tarikere's misconduct, and the underlying causes for her committing that misconduct, to be far more problematic than the Peer Review Panel. Upon a thorough examination of the record and Dr. Tarikere's own statements, the Committee concluded that it could not reasonably assure the public that Dr. Tarikere would not repeat the type of misconduct she has committed. Therefore, the Committee was constrained to reject the recommendation of the Peer Review Panel.

A pro forma showing of rehabilitation, remorse, and reeducation is not, in and of itself, sufficient to mandate restoration of a license. Rehabilitation, remorse, and reeducation are weighty factors, but the essential concern in all restoration cases is the protection of the public. A former licensee petitioning for restoration has the significant burden of satisfying the Board of Regents that licensure should be granted in

the face of conduct which has already led to licensure being revoked. There must be a clear preponderance of evidence that the misconduct will not recur, and that the root causes of the misconduct have been addressed and satisfactorily dealt with by the petitioner.

The Committee does not find that the record demonstrates that petitioner has come to grips with the root causes of her misconduct. Petitioner was disciplined because of her having been convicted of one count of Grand Larceny in the Second Degree (a class C felony) and twenty counts of Offering a False Instrument for Filing in the First Degree (a class E felony). Pursuant to Section 155.40 of the New York State Penal Law a person is guilty of Grand Larceny in the Second Degree when the person steals property and the value of the property exceeds fifty thousand dollars. Pursuant to Section 175.35 of the Penal Law a person is guilty of Offering a False Instrument for Filing in the First Degree when, knowing that a written instrument contains a false statement or false information, and with intent to defraud the state or any political subdivision thereof, the person offers or presents it to a public office or public servant with the knowledge or belief that it will be filed with, registered or recorded in or otherwise become a part of the records of such public office or public servant. In this case Dr. Tarikere submitted and caused to be submitted to McAuto Systems Group, Inc. and Computer Sciences Corp., fiscal agents of the State of New York, invoices and magnetic tapes which constituted claims under the New York Medical Assistance Program (Medicaid), knowing that they contained false statements and false information. Dr. Tarikere represented that "Specialist Consultation" services had been provided to numerous Medicaid patients on certain specified dates, and that "unusual travel" expenses had been incurred, when in fact, as Dr. Tarikere knew, she had not provided consultation services within her specialty to an attending physician in connection with the treatment of any such patients, nor had she incurred unusual travel expenses. In reliance on these false representations, the State of New York paid Dr. Tarikere approximately one hundred and eight thousand dollars to which she was not entitled. In the instant proceeding, Dr. Tarikere repeatedly characterized her misconduct as the product of a billing error. However, the Committee found that the very nature of the crimes of which Dr. Tarikere was convicted, upon a jury trial, belied her characterization of the misconduct committed. Hence, the Committee concluded that Dr. Tarikere's explanation of her misconduct was not credible and that it indicated that Dr. Tarikere posed a significant risk to the public of repeating such misconduct.

Dr. Tarikere opened her presentation to the Committee by stating that licensure was a life and death question for her, and that she sought to restore her livelihood and the profession that she has practiced for so long. Dr. Tarikere explained that the loss of her license has affected her socially, economically, and

emotionally. Dr. Tarikere stated that she is repentant, that she has paid restitution plus serving 500 hours of community service, that she has received a certificate of relief from disabilities, and that the judge in her criminal case believes that she should be eligible for early termination of her criminal probation. Dr. Tarikere said that the twenty-five thousand dollar fine imposed on her in her criminal case had been paid.

The Committee asked Dr. Tarikere about her licensure status in other states. Dr. Tarikere responded that she was licensed in other states, but that those states had taken action against her license based on the action taken by New York. Dr. Tarikere added that Georgia had revoked her license, but that she had been told by Georgia authorities that she was eligible to have her license restored if New York restored her license. Dr. Tarikere further added that Pennsylvania had taken no action against her license because she was not active in Pennsylvania. Dr. Tarikere said that Pennsylvania authorities had told her that they would take action against her license if she went to Pennsylvania.

Dr. Tarikere stated that she wants to practice in New York because her family is here. Dr. Tarikere explained that she had a concrete plan that included her wanting to teach at Columbia University through Columbia Presbyterian Hospital. Dr. Tarikere also said that she would like to obtain a job at the State Rehabilitation Hospital. Dr. Tarikere added that she was not sure how much time she wanted to spend teaching versus working. Dr. Tarikere said that she has not negotiated anything with Columbia Presbyterian Hospital yet, because she does not have her license. Dr. Tarikere said she felt Columbia Presbyterian Hospital knew her well, because she was an alumna of the institution.

The Committee asked Dr. Tarikere to elaborate on her misconduct and what led to her committing that misconduct. Dr. Tarikere stated that she was very sorry about the whole situation. Dr. Tarikere explained that there had been a billing error. Dr. Tarikere said that there were some patients who needed rehabilitation services and that she performed those services as a specialist on the same day that she saw the patient in her capacity as a general practitioner. Dr. Tarikere explained that she then billed for both the diagnostic and the treatment services performed. Dr. Tarikere stated that she was unaware that these services should not be billed in this way. Dr. Tarikere explained that it was improper to bill for the treatment service on the same day that you billed for the diagnostic service. Dr. Tarikere said that to bill for the generalist and the specialist services on the same day is considered a form of prohibited self-referral, and that to avoid this she should have provided the specialty treatment on a different day. Dr. Tarikere added that her conduct had gone on for four years and that its duration was what led it to amount to one hundred and eight thousand dollars.

Dr. Tarikere said that she had hired a billing company to do her billing at the time, but that she takes full responsibility, even though the billing company never told her that the billing procedure was wrong. The Committee asked Dr. Tarikere why she thought she had been convicted of the crimes charged against her if her conduct had simply been the product of unwitting billing errors. Dr. Tarikere stated that her personal thinking on this was that her attorney had represented her badly. Dr. Tarikere said that she did receive money personally from the insurance billings, but that she had truly spent the extra time with the patients to perform the specialty treatments billed. Dr. Tarikere added that the court had not accepted this as an excuse for the billing. Dr. Tarikere stated that she would not repeat her misconduct, because she will become a billing expert. Dr. Tarikere stated that paperwork is now so much a part of the health care system that she believes everyone has to take care to learn to do it.

The Committee asked Dr. Tarikere how she first became aware of a problem with her billing procedures. Dr. Tarikere responded that she first became aware in April, 1988 when an investigator came to speak to her. Dr. Tarikere stated that the investigator came to talk to her at her home, and that she told the investigator what she was doing. Dr. Tarikere said that she was subsequently indicted in February, 1989. The Committee asked Dr. Tarikere when and why she had applied for a medical license in New Jersey. Dr. Tarikere responded that she had applied for a license in New Jersey in September, 1988, or possibly earlier. Dr. Tarikere added that she was aware at the time of her New Jersey application that she was under investigation, but did not know the reasons why. Dr. Tarikere stated that she kept her New Jersey application pending because she hoped to move to New Jersey as one career possibility. Dr. Tarikere said that she could have worked in New Jersey one-half day per week. Dr. Tarikere explained that New Jersey finally denied her license application, but that she was unsure of the exact date of the denial, though she thought it might have been in 1993.

The Committee asked Dr. Tarikere to describe her medical practice during the time she committed professional misconduct. Dr. Tarikere responded that her practice was totally devoted to Medicaid patients at the time. Dr. Tarikere added that there was a high incidence of musculo-skeletal problems and psychosomatic illnesses among the patients. Dr. Tarikere said that she charged approximately twenty to twenty-four dollars per patient. Dr. Tarikere stated that her specialty was electromyography and that she did good work with her patients. Dr. Tarikere said that she would rather work in a hospital now so that she could concentrate on being a physician and not have to worry about billing issues. The Committee asked Dr. Tarikere if this desire to work in a hospital was consistent with her previously expressed desire to become an expert in billing. Dr. Tarikere responded that while she would avoid billing issues by working in a hospital, she would,

nevertheless, not shun her responsibility to learn about billing. Dr. Tarikere added that she thought it was necessary to learn about billing even if she was only an employee of the hospital.

The Committee asked Dr. Tarikere to describe the history of her medical practice in other states and in India. Dr. Tarikere responded that she practiced medicine in Georgia after leaving Columbia Presbyterian Hospital in New York, that she went to Pennsylvania after leaving Georgia, that she then went to Michigan for informal training as a fellow in electromyography at Wayne State University in Detroit, that she then went to Maryland and practiced in Baltimore, that she then went to India to practice for two to three years, and that she returned to New York after leaving India. Dr. Tarikere pointed out that she had never done any billing until she started her private practice in New York, because all her previous practice had been in either a university or hospital setting. Dr. Tarikere explained that in the university and hospital settings all she had ever been taught about billing was to match the date of service to the service performed.

The Committee asked Dr. Tarikere to describe what she has been doing subsequent to the revocation of her license. Dr. Tarikere responded that she has been doing odd jobs and working for insurance companies performing non-medical reviews of insurance claims. Dr. Tarikere said that she has also been receiving money from relatives, and that she had used money from her son's educational trust fund to pay her expenses. Dr. Tarikere added that she now has some income from a teaching job she has taken.

The Committee asked Dr. Tarikere if she was now eligible to receive reimbursement from the Medicaid program. Dr. Tarikere responded that she was now barred from the Medicaid program. Dr. Tarikere stated that this ban would interfere with her particular practice, but that she could reapply for Medicaid privileges after the time period of her ban lapses. Dr. Tarikere explained that otherwise she would have to take patients with private insurance which would be less of a true rehabilitation practice and more of a medical orthopedics practice.

Dr. Tarikere concluded her presentation to the Committee by stating that she would like to get back to a normal life by having her license restored as soon as possible. Dr. Tarikere added that during the last three and one-half years she has had a lot of suffering that has given her great insight about home care. Dr. Tarikere stated that she now has more empathy for patients than she had when just practicing in hospital and office settings.

The Committee found that Dr. Tarikere had not yet satisfactorily dealt with the underlying causes of her professional misconduct. The Committee found that Dr. Tarikere had not confronted the dynamics of her behavior or acknowledged the fact that she knowingly filed false Medicaid claims. The Committee

found Dr. Tarikere's explanation for her professional misconduct to be evasive. While Dr. Tarikere claimed to take full responsibility for her actions, she still insisted that the facts of her misconduct amounted to no more than billing errors made by a billing company which had failed to inform her of the correct way to bill. Because Dr. Tarikere exhibited no insight into why she committed the professional misconduct for which she was disciplined, the Committee concluded that Dr. Tarikere was not yet ready to return to the practice of medicine in New York State.

Based upon all the foregoing, the Committee unanimously found that Dr. Tarikere has not demonstrated the remorse, rehabilitation, and reeducation essential to restoration of her license as a physician. Accordingly, the Committee unanimously recommended that Dr. Tarikere's petition for restoration of her license as a physician be denied.

Daniel W. Szetela, Chair

Kathy A. Ahearn

Richard J. Sauer







**The University of the State of New York**

IN THE MATTER

OF

**HEMALTHADERI TARIKERE**  
(Physician)

DUPLICATE  
ORIGINAL  
VOTE AND ORDER  
NO. 10410

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Upon the report of the Regents Review Committee, a copy of which is made a part hereof, the record herein, under Calendar No. 10410, and in accordance with the provisions of Title VIII of the Education Law, it was

**VOTED** (May 25, 1990): That the record herein be accepted; that the findings of fact, determination as to guilt, and recommendation as to the penalty to be imposed rendered by the Regents Review Committee in the matter of HEMALTHADERI TARIKERE, respondent, be accepted; that respondent is guilty of the charge by a preponderance of the evidence; that respondent's license and registration to practice as a physician in the State of New York be revoked upon the charge of which respondent has been found guilty; that respondent may, pursuant to Rule 24.7(b) of the Rules of the Board of Regents, apply for restoration of said license after one year has elapsed from the effective date of the service of the order of the Commissioner of Education to be issued herein, but said application shall not be granted automatically; and that the Commissioner of Education be empowered to execute, for and on behalf of the Board of Regents, all orders necessary to carry out the terms of this vote;

and it is


**ORDERED**: That, pursuant to the above vote of the Board of

HEMALTHADERI TARIKERE (10410)

Regents, said vote 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 the respondent or five days after mailing by certified mail.

IN WITNESS WHEREOF, I, Thomas Sobol, Commissioner of Education of the State of New York, for and on behalf of the State Education Department and the Board of Regents, do hereunto set my hand and affix the seal of the State Education Department, at the City of Albany, this 1st day of *July*, 1990.

  
Commissioner of Education



**The University of the State of New York**

IN THE MATTER  
of the  
Disciplinary Proceeding  
against  
**HEMALTHADERI TARIKERE**

No. 10410

who is currently licensed to practice  
as a physician in the State of New York.

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**REPORT OF THE REGENTS REVIEW COMMITTEE**

HEMALTHADERI TARIKERE, hereinafter referred to as respondent, was given due notice of this proceeding and informed that respondent could appear and be represented by an attorney.

On March 28, 1990, the scheduled date of our hearing, respondent appeared before us in person and was represented by respondent's attorney, George Weinbaum, Esq. Roy Nemerson, Esq., represented the New York State Department of Health.

Petitioner's recommendation as to the penalty to be imposed, should respondent be found guilty, was that respondent's license to practice as a physician in the State of New York be revoked.

Respondent's recommendation as to the penalty to be imposed, should respondent be found guilty, was that respondent receive a censure and community service.

We have reviewed the record in this matter, including respondent's posthearing submissions, and our unanimous findings of fact, determination as to guilt, and recommendation as to the penalty to be imposed follow:

FINDINGS OF FACT

1. Respondent was licensed to practice as a physician in this State by the New York State Education Department.
2. Respondent was convicted of committing an act constituting a crime, as set forth in the statement of charges and the record herein.

DETERMINATION AS TO GUILT

The charge contained in the statement of charges, a copy of which is annexed hereto, made a part hereof, and marked as Exhibit "A", has been proven by a preponderance of the evidence and respondent is guilty thereof.

RECOMMENDATION AS TO THE  
PENALTY TO BE IMPOSED

Respondent's license to practice as a physician in the State of New York be revoked upon the charge of which respondent has been found guilty. Respondent may, pursuant to Rule 24.7(b) of the Rules of the Board of Regents, apply for restoration of said license after one year has elapsed from the effective date of the service of the order of the Commissioner of Education to be issued herein; but said application shall not be granted automatically.

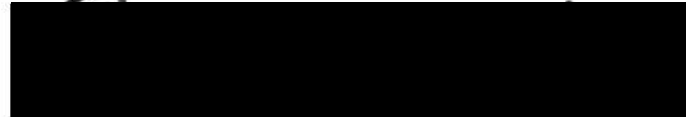
HEMALTHADERI TARIKERE (10410)

Respectfully submitted,

EMLYN I. GRIFFITH

JANE M. BOLIN

PATRICK J. PICARIELLO



Chairperson

Dated:

5/4/90

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

-----X  
IN THE MATTER : STATEMENT  
OF : OF  
HEMALTHADERI TARIKERE, M.D. : CHARGES  
-----X

HEMALTHADERI TARIKERE, M.D., herein called the Respondent, was authorized to practice the profession of medicine in the State of New York on February 14, 1984 by the issuance of license number 157344 by the New York State Education Department. The Respondent is registered with New York State Education Department to practice medicine at [REDACTED] [REDACTED] for the period beginning January 1, 1989 through December 31, 1991.

SPECIFICATION

1. Respondent is charged with committing professional misconduct within the meaning of N.Y. Educ. Law Section 6509(3)(a)(i) (McKinney 1985) by having been convicted of committing an act constituting a crime under New York State law in that:

On July 24, 1989 Respondent was convicted, after a jury trial in Supreme

EXHIBIT "A"

100-100  
Court Queens County, of One Count of  
Grand Larceny, Second Degree, a Class C  
felony, and 20 Counts of Offering a  
False Instrument for Filing, a felony.

Upon conviction, Respondent was  
sentenced to five years probation on  
each count (to run concurrently), was  
fined in the amount of \$25,000, ordered  
to perform one thousand hours of  
community service, and ordered to pay  
\$108,000 plus interest, in restitution.

DATED: New York, New York  
November 14, 1989



CHRIS STERN HYMAN  
Counsel  
Bureau of Professional Medical  
Conduct

188  
188

ORDER OF THE COMMISSIONER OF  
EDUCATION OF THE STATE OF NEW YORK

HEMALTHEDEYI TARIKERE

CALENDAR NO. 10410