



STATE OF NEW YORK
DEPARTMENT OF HEALTH

433 River Street, Suite 303

Troy, New York 12180-2299

Antonia C. Novello, M.D., M.P.H.
Commissioner

Dennis P. Whalen
Executive Deputy Commissioner

April 3, 2000

Mr. Robert Bentley, Director
Division of Professional Licensing Services
New York State Education Department
Cultural Education Center
Empire State Plaza
Albany, NY 12230

RE: Dwarka Nath Vemuri, M.B.B.S.
NYS License No. 180118

Dear Mr. Bentley:

Enclosed is a copy of a Commissioner's Order and Notice of Hearing which summarily suspends Dr. Dwarka Nath Vemuri's right to practice medicine in the State of New York. This Order was issued on March 31, 2000, and is in effect until further notice.

Sincerely,

A handwritten signature in cursive script that reads 'Anne Saile'.

Anne F. Saile
Director
Office of Professional Medical Conduct

Enclosure

cc: Daniel Kelleher

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

**IN THE MATTER
OF
DWARKA NATH VEMURI, M.D.**

**COMMISSIONER'S
ORDER AND
NOTICE OF
HEARING**

TO: DWARKA NATH VEMURI, M.D.
763 Mozart Road
Wheeling, West Virginia 26003

DWARKA NATH VEMURI, M.D.
9 Pine Knoll
Wheeling, West Virginia 26003

The undersigned, Antonia C. Novello, M.D., M.P.H., Commissioner of the New York State Department of Health, after an investigation, upon the recommendation of a committee on professional medical conduct of the State Board for Professional Medical Conduct, and upon the Statement of Charges attached hereto and made a part hereof, has determined that DWARKA NATH VEMURI, M.D. has been disciplined by a duly authorized professional disciplinary agency of another jurisdiction, namely, the state of West Virginia, Board of Medicine, for acts which if committed in the state of New York would have constituted the basis for summary action pursuant to New York Public Health Law Section 230(12)(a), and has further determined that the continued practice of medicine in the state of New York by DWARKA NATH VEMURI, M.D., the Respondent, constitutes imminent danger to the health of the people of this state.

It is therefore,

ORDERED, pursuant to N.Y. Public Health Law Section 230(12)(b), that effective immediately, DWARKA NATH VEMURI, M.D., Respondent, shall not practice medicine in the State of New York. This Order shall remain in effect unless modified or vacated by the Commissioner of Health pursuant to N.Y. Public Health Law Section 230(12).

PLEASE TAKE NOTICE that a hearing will be held pursuant to the provisions of N.Y. Public Health Law Section 230, and N.Y. State Admin. Proc. Act Sections 301-307 and 401. The hearing will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct on the 17th day of May, 2000 at 10:00 am in the forenoon at the Hedley Park Plaza, 5th Floor, 433 River Street, Troy, New York, 12180, and at such other adjourned dates, times, and places as the committee may direct. The Respondent may file an answer to the Statement of Charges with the below-named attorney for the Department of Health.

At the hearing, evidence will be received concerning the allegations set forth in the Statement of Charges, which is attached. A stenographic record of the hearing will be made and the witnesses at the hearing will be sworn and examined. The Respondent shall appear in person at the hearing and may be represented by counsel. The Respondent has the right to produce witnesses and evidence on his behalf, to issue or have subpoenas issued on his behalf for the production of witnesses and documents, and to cross-examine witnesses and examine evidence produced against him. Such evidence or sworn testimony shall be limited to evidence and testimony relating to the nature and severity of the penalty to be imposed upon the licensee. Where the charges are based on the conviction of state law crimes in other jurisdictions, evidence may be offered which would show that conviction would not be a crime in New York State. The Committee also may limit the number of witnesses whose testimony will be received, as well as the length of time any witness will be permitted to testify. A summary of the Department of Health Hearing Rules is enclosed. Pursuant to Section 301(5) of the State Administrative Procedure Act, the Department, upon reasonable notice, will provide at no

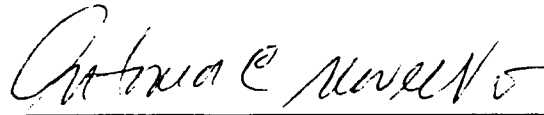
charge, a qualified interpreter of the deaf to interpret the proceedings to, and the testimony of, any deaf person.

The hearing will proceed whether or not the Respondent appears at the hearing. Scheduled hearing dates are considered dates certain and, therefore, adjournment requests are not routinely granted. Requests for adjournments must be made in writing to the Administrative Law Judge's Office, Hedley Park Place, 433 River Street, 5th Floor, Troy, New York 12180, (518-402-0751), upon notice to the attorney for the Department of Health whose name appears below, and at least five days prior to the scheduled hearing date. Claims of court engagement will require detailed affidavits of actual engagement. Claims of illness will require medical documentation.

At the conclusion of the hearing, the committee shall make findings of fact, conclusions concerning the charges sustained or dismissed, and, in the event any of the charges are sustained, a determination of the penalty or sanction to be imposed or appropriate action to be taken. Such determination may be reviewed by the administrative review board for professional medical conduct.

THESE PROCEEDINGS MAY RESULT IN A
DETERMINATION THAT YOUR LICENSE TO
PRACTICE MEDICINE IN NEW YORK STATE
BE REVOKED OR SUSPENDED, AND/OR THAT
YOU MAY BE FINED OR SUBJECT TO OTHER
SANCTIONS SET FORTH IN NEW YORK PUBLIC
HEALTH LAW SECTION 230-a. YOU ARE
URGED TO OBTAIN AN ATTORNEY IN THIS
MATTER.

DATED: Albany, New York
MARCH 31, 2000


ANTONIA C. NOVELLO, M.D., M.P.H.
Commissioner

Inquiries should be directed to:

Robert Bogan
Assistant Counsel
NYS Department of Health
Division of Legal Affairs
Hedley Park Place
433 River Street
Suite 303
Troy, New York 12180
(518) 402-0820

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

**IN THE MATTER
OF
DWARKA NATH VEMURI, M.D.**

**STATEMENT
OF
CHARGES**

DWARKA NATH VEMURI, M.D., the Respondent, was authorized to practice medicine in New York state on September 25, 1989, by the issuance of license number 180118 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about November 12, 1999, the West Virginia Board of Medicine (hereinafter "West Virginia Board"), by an Order (hereinafter "West Virginia Order"), revoked Respondent's license to practice medicine, based on Respondent's having knowingly made a false statement on his license renewal application, demonstrated a lack of professional competence to practice medicine, failed to practice with that level of skill and care which is acceptable, exhibited a pattern of incompetence consisting of repeated acts of negligence, misconduct, dishonesty, and violations of hospital rules and regulations, failed to disclose a criminal misdemeanor conviction and that he had been diagnosed and received treatment for a mental disorder, demonstrated dishonesty, deceit, and self interest in his dealing with patients, hospitals, and the West Virginia Board, caused harm to his patients, and repeatedly violated the Standard of Care imposed by hospitals and the West Virginia Board.

B. The conduct resulting in the West Virginia Board's disciplinary action against Respondent would constitute misconduct under the laws of New York state, pursuant to the following sections of New York state law:

1. New York Education Law §6530(3) (negligence on more than one occasion);
2. New York Education Law §6530(4) (gross negligence);
3. New York Education Law §6530(5) (incompetence on more than one occasion);
4. New York Education Law §6530(6) (gross incompetence);
5. New York Education Law §6530(16) (failure to comply with federal, state, or local laws, rules, or regulations governing the practice of medicine).
6. New York Education Law §6530(21) (making or filing a false report);
7. New York Education Law §6530(30) (neglecting a patient);
8. New York Education Law §6530(32) (failing to maintain accurate records); and/or
9. New York Education Law §6530(35) (ordering of excessive test or treatment not warranted by the condition of the patient).

SPECIFICATIONS

FIRST SPECIFICATION

Respondent is charged with professional misconduct by reason of having violated New York Education Law §6530(9)(b) by having been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state where the conduct upon which the finding was based would, if committed in New York state, constitute professional misconduct under the laws of New York state, in that the Petitioner charges:

1. The facts in paragraphs A and/or B.


SECOND SPECIFICATION

Respondent is charged with professional misconduct by reason of his having violated New York State Education Law §6530(9)(d) by reason of his having had his license to practice

medicine revoked or other disciplinary action taken after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the revocation or other disciplinary action would, if committed in New York state, constitute professional misconduct under the laws of New York state, in that the Petitioner charges:

2. The facts in paragraphs A and/or B.

DATED: *Mar 31*, 2000
Albany, New York


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