



STATE OF NEW YORK
DEPARTMENT OF HEALTH

Corning Tower The Governor Nelson A. Rockefeller Empire State Plaza Albany, New York 12237

Mark R. Chassin, M.D., M.P.P., M.P.H.

Commissioner

Paula Wilson

Executive Deputy Commissioner

November 7, 1994

RECEIVED

NOV 09 1994

OFFICE OF PROFESSIONAL
MEDICAL CONDUCT

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Sashi Agarwal, M.D.
290 Cental Avenue
Orange, New Jersey 10952

Denise Lepicier, Esq.
NYS Dept. of Health
5 Penn Plaza - Sixth Floor
New York, New York 10001

Neal S. Simon, Esq.
460 West 34th Street - 12th Floor
New York, New York 10001

Effective Date: 11/14/94

RE: In the Matter of Shashi K. Agarwal, M.D.

Dear Dr. Agarwal, Ms. Lepicier & Mr. Simon :

Enclosed please find the Determination and Order (No. 94-132) of the Professional Medical Conduct Administrative Review Board in the above referenced matter. This Determination and Order shall be deemed effective upon receipt or seven (7) days after mailing by certified mail as per the provisions of §230, subdivision 10, paragraph (h) of the New York State Public Health Law.

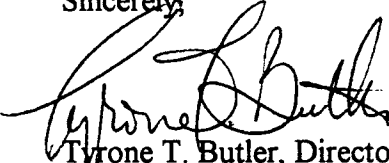
Five days after receipt of this Order, you will be required to deliver to the Board of Professional Medical Conduct your license to practice medicine if said license has been revoked, annulled, suspended or surrendered, together with the registration certificate. Delivery shall be by either **certified mail or in person** to:

Office of Professional Medical Conduct
New York State Department of Health
Empire State Plaza
Corning Tower, Room 438
Albany, New York 12237

If your license or registration certificate is lost, misplaced or its whereabouts is otherwise unknown, you shall submit an affidavit to that effect. If subsequently you locate the requested items, they must then be delivered to the Office of Professional Medical Conduct in the manner noted above.

This exhausts all administrative remedies in this matter [PHL §230-c(5)].

Sincerely,



Tyrone T. Butler, Director
Bureau of Adjudication

TTB:

Enclosure

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

IN THE MATTER

OF

SHASHI K. AGARWAL, M.D.

**ADMINISTRATIVE
REVIEW BOARD
DECISION AND
ORDER NUMBER
ARB NO. 94-132**

A Quorum of the Administrative Review Board for Professional Medical Conduct (hereinafter the "Review Board"), consisting of **ROBERT M. BRIBER, WINSTON S. PRICE, M.D., EDWARD C. SINNOTT, M.D.** and **WILLIAM A. STEWART, M.D.**¹. held deliberations on October 11, 1994 to review the Hearing Committee on Professional Medical Conduct's (Hearing Committee) August 2, 1994 Determination finding Dr. Shashi K. Agarwal (Respondent) guilty of professional misconduct. The Respondent requested the Review through a Notice which the Board received on August 23, 1994. James F. Horan served as Administrative Officer to the Review Board. Neal S. Simon, Esq. filed a brief for the Respondent on September 23, 1994. Denise Lepicier, Esq. filed a reply brief for the Office of Professional Medical Conduct (Petitioner) on September 30, 1994.

SCOPE OF REVIEW

New York Public Health Law (PHL) §230(10)(i), §230-c(1) and §230-c(4)(b) provide that the Review Board shall review:

- whether or not a hearing committee determination and penalty are consistent with the hearing committee's findings of fact and conclusions of law; and
- whether or not the penalty is appropriate and within the scope of penalties permitted by PHL §230-a.

Public Health Law §230-c(4)(b) permits the Review Board to remand a case to the

¹ Sumner Shapiro did not participate in the deliberations. Dr. Sinnott participated by telephone conference.

Hearing Committee for further consideration.

Public Health Law §230-c(4)(c) provides that the Review Board's Determinations shall be based upon a majority concurrence of the Review Board

HEARING COMMITTEE DETERMINATION

The Petitioner brought this case pursuant to Public Health Law Section 230(10)(p) and Education Law Section 6530(9)(a)(i) , which provide an expedited hearing in cases in which professional misconduct charges against a Respondent are based upon a prior criminal conviction in New York or another jurisdiction or upon a prior administrative adjudication which would amount to misconduct if committed in New York State. The expedited hearing determines the nature and severity of the penalty which the Hearing Committee will impose based upon the criminal conviction or prior administrative adjudication.

The Hearing Committee in this case found that the Petitioner had met its burden of proof in establishing that the Respondent signed a Consent Order concluding a disciplinary action before the New Jersey Board of Medical Examiners. The Committee found that the Respondent had not contested four counts that he practiced medicine with "gross malpractice, gross negligence or gross incompetence " and that he engaged in "repeated acts of negligence, malpractice or incompetence" and failed to maintain adequate records. The Consent Order required the Respondent to pay Four Thousand Nine Hundred (\$4,900.00) Dollars for investigative costs, placed the Respondent on monitoring for one year at his expense and required that the Respondent have no more than two hospital affiliations in the course of the one year he was in monitoring.

The Hearing Committee concluded that the Respondent's actions, which involved his care of a forty year old patient with severe cardiac symptoms, would constitute misconduct in New York State. The Committee voted to suspend the Respondent's license in New York for two years. The Committee noted that their penalty was more restrictive than that of New Jersey, but the Committee felt that they had an independent responsibility to impose an appropriate sanction upon the Respondent's New York license. The Committee stated that the Respondent's misconduct in New Jersey might warrant a more severe penalty than suspension, but the Committee found that the

activities in New Jersey occurred in 1985 and that there had been no recurrence of any problem with the Respondent's practice since. The Committee concluded then that under the totality of the circumstances, the suspension was appropriate.

REQUESTS FOR REVIEW

The Respondent alleges that the Hearing Committee's Administrative Officer erred in refusing to allow the Respondent to present a witness to testify on whether the Respondent's New Jersey conduct would constitute misconduct in New York. The Respondent alleges the Administrative Officer overstepped his authority by making a determination that the Respondent's New Jersey conduct constituted Misconduct in New York. The Respondent alleges that the Administrative Officer erred further by refusing to allow the Respondent to call the same witness to present evidence on mitigation. The Respondent also alleges that the Committee's penalty was unduly harsh. The Respondent requested that the Review Board remand the matter to the Hearing Committee for a fair and impartial hearing. In the alternative, the Respondent requests, that if the Review Board sustains the Hearing Committee's findings of guilt, that the Review Board assess a penalty less severe than that which the Hearing Committee imposed.

The Petitioner urges the Review Board to sustain the Hearing Committee's Determination. The Petitioner argues that the Respondent's conduct in New Jersey was misconduct in New York, that the issue of whether the matter was misconduct was a legal determination within the Administrative Officer's jurisdiction and that the Administrative Officer did not err in refusing to allow the Respondent's expert to testify.

REVIEW BOARD DETERMINATION

The Review Board has considered the entire record below and the briefs which counsel have submitted.

The Review Board votes to sustain the Hearing Committee's Determination finding the Respondent guilty of misconduct based upon the Respondent's Consent Order with the New

Jersey Board. The purpose of the hearing in this case was to determine the penalty that New York would impose for the Respondent's New Jersey conduct. The Respondent is not entitled to relitigate the New Jersey matter. The Respondent had an adequate opportunity before the Hearing Committee to produce evidence and testimony in mitigation of penalty. The Respondent is not entitled to a remand for a further hearing.

The Review Board sustains the Hearing Committee's Determination suspending the Respondent's license to practice medicine in New York for two years. The Hearing Committee in these proceedings has an independent responsibility to impose a penalty against a Respondent's New York license that they deem appropriate. The Committee is not bound by another state's penalty. In this, case the Respondent's misconduct was severe enough in nature to justify the suspension of the Respondent's New York license. We agree with the Hearing Committee that a more severe penalty would not be necessary, since the Respondent's New Jersey conduct occurred in 1985 and there has been no indication of any further problems in the Respondent's practice.

ORDER

NOW, based upon this Determination, the Review Board issues the following **ORDER**:

1. The Review Board **sustains** the Hearing Committee's August 2, 1994 Determination finding Dr. Shashi K. Agarwal guilty of professional misconduct.
2. The Review Board **denies** the Respondent's request for a remand of this case.
3. The Review Board **sustains** the Hearing Committee's Determination suspending Dr. Agarwal's license for two years.

ROBERT M. BRIBER

WINSTON S. PRICE, M.D.

EDWARD SINNOTT, M.D.

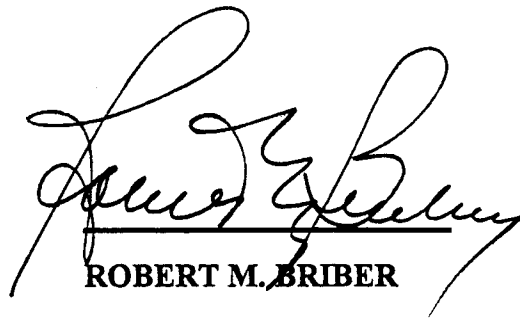
WILLIAM A. STEWART, M.D.

IN THE MATTER OF SHASHI K. AGARWAL, M.D.

ROBERT M. BRIBER, a member of the Administrative Review Board for Professional Medical Conduct, concurs in the Determination and Order in the Matter of Dr. Agarwal;

DATED: Albany, New York

11/4, 1994



ROBERT M. BRIBER

IN THE MATTER OF SHASHI K. AGARWAL, M.D.

WINSTON S. PRICE, M.D., a member of the Administrative Review Board for Professional Medical Conduct, concurs in the Determination and Order in the Matter of Dr. Agarwal.

DATED: Brooklyn, New York

_____, 1994

A handwritten signature in cursive script, appearing to read "W. S. Price", written over a solid horizontal line.

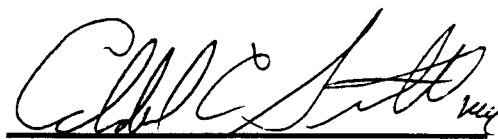
WINSTON S. PRICE, M.D.

IN THE MATTER OF SHASHI K. AGARWAL, M.D.

EDWARD C. SINNOTT, M.D., a member of the Administrative Review Board for Professional Medical Conduct, concurs in the Determination and Order in the Matter of Dr. Agarwal:

DATED: Roslyn, New York

Oct 28, 1994

A handwritten signature in cursive script, appearing to read "Edward C. Sinnott", written over a horizontal line.

EDWARD C. SINNOTT, M.D.

IN THE MATTER OF SHASHI K. AGARWAL, M.D.

WILLIAM A. STEWART, M.D., a member of the Administrative Review Board for Professional Medical Conduct, concurs in the Determination and Order in the Matter of Dr. Agarwal.

DATED: Syracuse, New York

28 Oct, 1994



WILLIAM A. STEWART, M.D.



STATE OF NEW YORK DEPARTMENT OF HEALTH

Corning Tower The Governor Nelson A. Rockefeller Empire State Plaza Albany, New York 12237

Mark R. Chassin, M.D., M.P.P., M.P.H.
Commissioner

Paula Wilson
Executive Deputy Commissioner

August 2, 1994

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Shashi K. Agarwal, M.D.
290 Central Avenue
Orange, New Jersey 07050

Denise Lepicier, Esq.
NYS Department of Health
5 Penn Plaza - Sixth Floor
New York, New York 10001

Neal S. Simon, Esq.
460 West 34th Street - 12th Floor
New York, New York 10001

RE: In the Matter of Shashi K. Agarwal, M.D.

Dear Dr. Agarwal, Mr. Simon and Ms. Lepicier :

Enclosed please find the Determination and Order (No. 94-132) of the Hearing Committee in the above referenced matter. This Determination and Order shall be deemed effective upon the receipt or seven (7) days after mailing by certified mail as per the provisions of §230, subdivision 10, paragraph (h) of the New York State Public Health Law.

Five days after receipt of this Order, you will be required to deliver to the Board of Professional Medical Conduct your license to practice medicine if said license has been revoked, annulled, suspended or surrendered, together with the registration certificate. Delivery shall be by either **certified mail or in person to:**

Office of Professional Medical Conduct
New York State Department of Health
Corning Tower - Fourth Floor (Room 438)
Empire State Plaza
Albany, New York 12237

If your license or registration certificate is lost, misplaced or its whereabouts is otherwise unknown, you shall submit an affidavit to that effect. If subsequently you locate the requested items, they must then be delivered to the Office of Professional Medical Conduct in the manner noted above.

As prescribed by the New York State Public Health Law §230, subdivision 10, paragraph (i), and §230-c subdivisions 1 through 5, (McKinney Supp. 1992), "(t)he determination of a committee on professional medical conduct may be reviewed by the

Administrative Review Board for professional medical conduct." Either the licensee or the Department may seek a review of a committee determination.

Request for review of the Committee's determination by the Administrative Review Board stays all action until final determination by that Board. Summary orders are not stayed by Administrative Review Board reviews.

All notices of review must be served, by **certified mail**, upon the Administrative Review Board **and** the adverse party within fourteen (14) days of service and receipt of the enclosed Determination and Order.

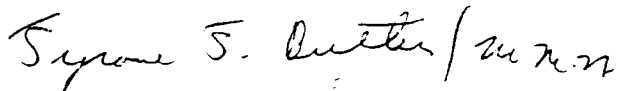
The notice of review served on the Administrative Review Board should be forwarded to:

James F. Horan, Esq., Administrative Law Judge
New York State Department of Health
Bureau of Adjudication
Empire State Plaza
Corning Tower, Room 2503
Albany, New York 12237-0030

The parties shall have 30 days from the notice of appeal in which to file their briefs to the Administrative Review Board. Six copies of all papers must also be sent to the attention of Mr. Horan at the above address and one copy to the other party. The stipulated record in this matter shall consist of the official hearing transcript(s) and all documents in evidence.

Parties will be notified by mail of the Administrative Review Board's Determination and Order.

Sincerely,



Tyrone T. Butler, Director
Bureau of Adjudication

TTB:mmn

Enclosure

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

-----X
IN THE MATTER : DETERMINATION
OF : AND
SHASHI K. AGARWAL, M.D. : ORDER
-----X

NO. BPMC-94-132

A Notice of Hearing and Statement of Charges, both dated March 30, 1994, were served upon the Respondent, Shashi K. Agarwal, M.D. ROBERT J. O'CONNOR, M.D. (Chair), JAY I. POMERANTZ, M.D., and LYNNE HENNECKE, Ph.D., duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee in this matter pursuant to Section 230(10)(e) of the Public Health Law. LARRY G. STORCH, ESQ., ADMINISTRATIVE LAW JUDGE, served as the Administrative Officer. The Department of Health appeared by Denise Lepicier, Esq., Assistant Counsel. The Respondent appeared by Neal S. Simon, Esq., of Counsel. A hearing was held on July 14, 1994. Evidence was received and witnesses sworn and heard and transcripts of these proceedings were made.

After consideration of the entire record, the Hearing Committee issues this Determination and Order.

STATEMENT OF CASE

This case was brought pursuant to Public Health Law Section 230(10)(p). The statute provides for an expedited hearing where a licensee is charged solely with a violation of Education Law §6530(9). In such cases, a licensee is charged with misconduct based upon a prior criminal conviction in New York or another jurisdiction, or upon a prior administrative adjudication regarding conduct which would amount to professional misconduct, if committed in New York. The scope of an expedited hearing is limited to a determination of the nature and severity of the penalty to be imposed upon the licensee.

In the instant case, Respondent is charged with professional misconduct, pursuant to Education Law §6530(9)(d). A copy of the Notice of Referral Proceeding and Statement of Charges is attached to this Determination and Order in Appendix I.

FINDINGS OF FACT

The following Findings of Fact were made after a review of the entire record in this matter. Numbers in parentheses refer to transcript page numbers or exhibits. These citations represent evidence found persuasive by the Hearing Committee in arriving at a particular finding. Conflicting evidence, if any, was considered and rejected in favor of the cited evidence.

1. Shashi K. Agarwal, M.D. (hereinafter, "Respondent"), was authorized to practice medicine in New York State on

September 29, 1978 by the issuance of license number 135984 by the New York State Education Department. Respondent is not currently registered with the New York State Education Department to practice medicine in New York State. (Pet. Ex. #2).

2. On or about December 31, 1991, a consent order was filed, concluding a disciplinary action against the Respondent before the New Jersey Board of Medical Examiners (hereinafter "New Jersey Board"). By this order Respondent did not contest four counts that he practiced medicine with "gross malpractice, gross negligence or gross incompetence" and that he engaged in "repeated acts of negligence, malpractice or incompetence" in violation of N.J.S.A. 45:1-21(c) and (d). Respondent also did not contest a charge that he failed "to maintain accurate medical records" as required by New Jersey law in violation of N.J.S.A. 45:1-21(h). (Pet. Ex. #3).

3. Respondent received a formal reprimand and was ordered to pay \$4,900 for investigative costs. The consent order also requires that Respondent's records be monitored for one year at his expense, and that he was to have no more than two hospital affiliations in the course of that year. (Pet. Ex. #3).

CONCLUSIONS OF LAW

The following conclusions were made pursuant to the Findings of Fact listed above. All conclusions resulted from a unanimous vote of the Hearing Committee unless noted otherwise.

The Hearing Committee concluded that the Department has met its burden of proof. The preponderance of the evidence

demonstrates that disciplinary action was taken against Respondent by the New Jersey Board through the execution of the consent order. The records of the New Jersey Board indicate that Respondent, a cardiologist, pled no contest to a series of allegations regarding his medical care and treatment of a 40 year-old female patient with severe cardiac symptoms and a history of heart valve replacement. (See, Pet. Ex. #3).

The Hearing Committee further concluded that Respondent's conduct, if committed in New York State, would constitute professional misconduct in violation of Education Law §6530(3) [negligence on more than one occasion], 6530(4) [gross negligence], 6530(5) [incompetence on more than one occasion], 6530(6) [gross incompetence], and 6530(32) [failure to maintain accurate records for each patient]. As a result, the Hearing Committee unanimously voted to sustain the Specification of professional misconduct.

DETERMINATION AS TO PENALTY

The Hearing Committee, pursuant to the Findings of Fact and Conclusions of Law set forth above, unanimously determined that Respondent's license to practice medicine in New York State should be suspended for a period of two years. This determination was reached upon due consideration of the full spectrum of penalties available pursuant to statute, including revocation, suspension and/or probation, censure and reprimand, and the imposition of monetary penalties.

The Hearing Committee takes notice of the fact that the

New Jersey Board imposed a less restrictive penalty (reprimand, monitoring of records for one year and affiliation with no more than two hospitals during that year). However, the Hearing Committee has an independent responsibility to determine the appropriate sanction to be imposed upon Respondent's New York State medical license.

The record of the New Jersey disciplinary proceeding demonstrates that Respondent mismanaged the care of a seriously ill patient whose prosthetic mitral valve was failing. The patient ultimately expired. Respondent pled no contest to charges of gross malpractice, gross negligence or gross incompetence, repeated acts of negligence, malpractice or incompetence, as well as the failure to maintain accurate medical records.

Standing alone, the severity of the allegations raised against Respondent might warrant a sanction more severe than a two-year suspension. However, Respondent's treatment of the patient in question took place in 1985. There was no evidence of any subsequent problems with Respondent's medical practice. Under the totality of the circumstances, the Hearing Committee determined that a two-year suspension was the most appropriate sanction.

ORDER

Based upon the foregoing, IT IS HEREBY ORDERED THAT:

1. The Specification of professional misconduct, as set forth in the Statement of Charges (Petitioner's Exhibit # 1) is

SUSTAINED;

2. Respondent's license to practice medicine in New York State be and hereby is SUSPENDED for a period of TWO(2) YEARS.

DATED: Albany, New York

July 27, 1994


ROBERT J. O'CONNOR, M.D. (CHAIR)

JAY I. POMERANTZ, M.D.
LYNNE HENNECKE, Ph. D.

TO: Denise Lepicier, Esq.
Assistant Counsel
New York State Department of Health
5 Penn Plaza - 6th Floor
New York, New York 10001

Shashi K. Agarwal, M.D.
290 Central Avenue
Orange, New Jersey 07050

Neal S. Simon, Esq.
460 West 34th Street - 12th Floor
New York, New York 10001

APPENDIX I

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

-----X
: IN THE MATTER : NOTICE OF
: OF : REFERRAL
: SHASHI K. AGARWAL, M.D. : PROCEEDING-
: :
-----X

TO: SHASHI K. AGARWAL, M.D.
290 Central Ave.
Orange, New Jersey 07050

PLEASE TAKE NOTICE THAT:

An adjudicatory proceeding will be held pursuant to the provisions of N.Y. Pub. Health Law Section 230(10)(p) (McKinney Supp. 1994) and N.Y. State Admin. Proc. Act Sections 301-307 and 401 (McKinney 1984 and Supp. 1994). The proceeding will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct (Committee) on the eighth day of June, 1994 at 11:00 o'clock in the forenoon of that day at 5 Penn Plaza, 6th Floor, New York, New York 10001.

At the proceeding, evidence will be received concerning the allegations set forth in the Statement of Charges, which is attached. A stenographic record of the proceeding will be made and the witnesses at the proceeding will be sworn and examined.

You may appear in person at the proceeding and may be represented by counsel. You may produce evidence or sworn testimony on your behalf. Such evidence or sworn testimony shall be strictly 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 the 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.

If you intend to present sworn testimony, the number of witnesses and an estimate of the time necessary for their direct examination must be submitted to the New York State Department of Health, Division of Legal Affairs, Bureau of Adjudication, Corning Tower Building, 25th Floor, Empire State Plaza, Albany, New York 12237, ATTENTION: HON. TYRONE BUTLER, DIRECTOR, BUREAU OF ADJUDICATION, (henceforth "Bureau of Adjudication") as well as the Department of Health attorney indicated below, on or before May 27, 1994 .

You may file a written answer, brief, and affidavits with the Committee. Six copies of all papers you wish to submit must be filed with the Bureau of Adjudication at the address indicated above on or before May 27, 1994 and a copy of all

papers must be served on the same date on the Department of Health attorney indicated below. 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 proceeding may be held whether or not you appear. Please note that requests for adjournments must be made in writing to Bureau of Adjudication, at the address indicated above, with a copy of the request to the attorney for the Department of Health, whose name appears below, at least five days prior to the scheduled date of the proceeding. Adjournment requests are not routinely granted. Claims of court engagement will require detailed affidavits of actual engagement. Claims of illness will require medical documentation. Failure to obtain an attorney within a reasonable period of time prior to the proceeding will not be grounds for an adjournment.

The Committee will make a written report of its findings, conclusions as to guilt, and a determination. Such determination may be reviewed by the administrative review board for professional medical conduct.

SINCE THESE PROCEEDINGS MAY RESULT IN A
DETERMINATION THAT SUSPENDS OR REVOKES YOUR
LICENSE TO PRACTICE MEDICINE IN NEW YORK STATE

AND/OR IMPOSES A FINE FOR EACH OFFENSE CHARGED.
YOU ARE URGED TO OBTAIN AN ATTORNEY TO REPRESENT
YOU IN THIS MATTER.

DATED: New York, New York
March 30, 1994



CHRIS STERN HYMAN
Counsel
Bureau of Professional
Medical Conduct

Inquiries should be addressed to:

Denise Lepicier
Assistant Counsel
(212) 613-2617

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

-----X
IN THE MATTER : STATEMENT
OF : OF
SHASHI K. AGARWAL, M.D. : CHARGES
-----X

SHASHI K. AGARWAL, M.D., the Respondent, was authorized to practice medicine in New York State on September 29, 1978 by the issuance of license number 135984 by the New York State Education Department. The Respondent is not currently registered with the New York State Education Department to practice medicine in this State.

FACTUAL ALLEGATIONS

- A. On or about December 31, 1991, a consent order was filed concluding a disciplinary action against the Respondent before the New Jersey Board of Medical Examiners. By this order Respondent did not contest four counts of charges that he practiced medicine with "gross malpractice, gross negligence or gross incompetence" and that he engaged in "repeated acts of negligence, malpractice or incompetence" in violation of N.J.S.A. 45:1-21 (c) and (d). He also did not contest a charge in the first count that he failed "to

maintain accurate medical records" as required by New Jersey law in violation of N.J.S.A. 45:1-21(h). By this order, among other things, Respondent was formally reprimanded, was ordered to pay \$4900 to the state of New Jersey for investigative costs, was to have his records monitored for one year at his expense and was to have no more than two hospital affiliations in the course of that year. The conduct resulting in this disciplinary action would, if committed in this State, constitute misconduct under the laws of the State of New York including, but not limited to, New York Educ. Law Section 6530 (3), (4), (5), (6) and (32) (McKinney Supp. 1994).

† SPECIFICATION

DISCIPLINARY ACTION TAKEN BY ANOTHER STATE

Respondent is charged with professional misconduct by reason of having his license to practice medicine revoked, suspended or having other disciplinary action taken, by a duly authorized professional disciplinary agency of another state, within the meaning of N.Y. Educ. Law Section 6530 (9)(d) (McKinney Supp. 1994), in that Petitioner charges:

A. The facts in paragraph A.

DATED: New York, New York

March 30, 1994

A handwritten signature in black ink, appearing to read "C. Stern Hyman", written over a horizontal line.

Chris Stern Hyman
Counsel
Bureau of Professional Medical
Conduct