



***New York State Board for Professional Medical Conduct***

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

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NYS Department of Health*

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NYS Department of Health*

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*Vice Chair*

Ansel R. Marks, M.D., J.D.  
*Executive Secretary*

September 28, 2005

***CERTIFIED MAIL-RETURN RECEIPT REQUESTED***

Prem Nath, M.D.  
Skyview Plaza  
Route 59  
Central Nyack, NY 10960

Re: License No. 133218

Dear Dr. Nath:

Enclosed is a copy of Order #BPMC 05-208 of the New York State Board for Professional Medical Conduct. This order and any penalty provided therein goes into effect October 5, 2005.

If the penalty imposed by the Order is a surrender, revocation or suspension of this license, you are required to deliver to the Board the license and registration within five (5) days of receipt of the Order to the Board for Professional Medical Conduct, New York State Department of Health, Hedley Park Place, Suite 303, 433 River Street, Troy, New York 12180.

Sincerely,

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

Enclosure

cc: Gerald J. Heubel, Esq.  
Bartlett, McDonough, Bastone & Monaghan LLP  
81 Main Street  
White Plains, NY 10601-1711

**IN THE MATTER  
OF  
PREM NATH, M.D.**

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**CONSENT AGREEMENT  
AND ORDER**

BPMC No. #05-208

**PREM NATH, M.D.**, (Respondent) deposes and states:

That on or about December 16, 1977, I was licensed to practice as a physician in the State of New York, having been issued License No. 133218 by the New York State Education Department.

My current address is Skyview Plaza, Route 59, Central Nyack, NY 10960, and I will advise the Director of the Office of Professional Medical Conduct of any change of my address thirty (30) days, thereof.

I understand that the New York State Board for Professional Medical Conduct has charged me with thirteen (13) specifications of professional misconduct.

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

I admit guilt to the First Specification and Second Specification, as found therein, in full satisfaction of all the charges against me. I, hereby, agree to the following penalty:

My medical license will be placed on probation for a period of two (2) years. The probation shall commence upon the effective date of the Order herein. The terms of probation are more fully set forth in Exhibit "B", annexed hereto.

Additionally, from the effective date of the Order herein, my practice of medicine in New York State shall be permanently limited from the area of chronic pain management; but shall permit the practice of acupuncture by Respondent.

Respondent further is restricted in his practice from ordering, prescribing, administering and/or dispensing of controlled substances during the two (2) year period of probation.

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

That, except during periods of actual suspension, I shall maintain current registration of my license with the New York State Education Department Division of Professional Licensing Services, and pay all registration fees. This condition shall be in effect beginning thirty (30) days after the effective date of the Consent Order and will continue while Respondent possesses his license; and

That I shall cooperate fully in every respect with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Order and in its investigation of all matters regarding Respondent. I shall respond in a timely manner to each and every request by OPMC to provide written periodic verification of Respondent's compliance with the terms of this Order. I shall meet with a person designated by the Director of OPMC as directed. I shall respond promptly and provide any and all documents and information within my control upon the direction of OPMC. This condition shall be in effect beginning upon the effective date of the Consent Order and will continue while I possess my license.

I, hereby, stipulate that any failure by me to comply with such conditions shall constitute misconduct as defined by New York State Education Law §6530(29).

I agree that in the event I am charged with professional misconduct in the future, this agreement and order shall be admitted into evidence in that proceeding.

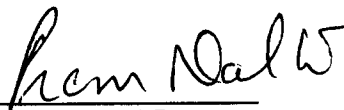
I, hereby, make this application to the State Board for Professional Medical Conduct (the Board) and request that it be granted.

I understand that, in the event that this application is not granted by the Board, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such application shall not be used against me in any way and shall be kept in strict confidence during the pendency of the professional misconduct disciplinary proceeding; and such denial by the Board shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by the Board pursuant to the provisions of the Public Health Law.

I agree that, in the event the Board grants my application, as set forth herein, an order of the Chairperson of the Board shall be issued in accordance with same. I agree that such order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Consent Order to me at the address set forth in this agreement, or to my attorney, or upon transmission via facsimile to me or my attorney, whichever is earliest.

I am making this application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner. In consideration of the value to me of the acceptance by the Board of this application, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive any right I may have to contest the Consent Order for which I hereby apply, whether administratively or judicially, and ask that the application be granted.

AFFIRMED

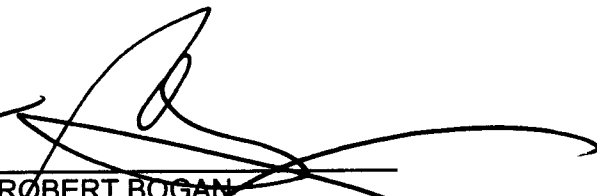
  
PREM NATH, M.D.  
Respondent

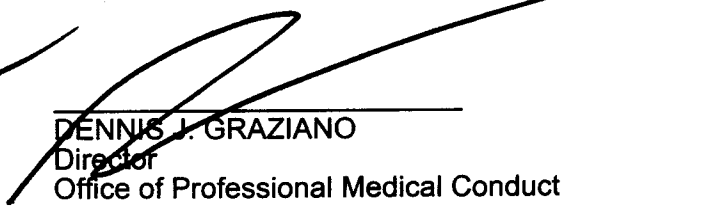
DATED 9/14/05

The undersigned agree to the attached application of the Respondent and to the proposed penalty based on the terms and conditions thereof.

*Bartlett, McDonough, Bostone & Donoghue LLP*  
  
GERARD J. HEUBEL  
Attorney for Respondent

DATE: 9/14/05

DATE: 16 September 2005  
  
ROBERT BOGAN  
Associate Counsel  
Bureau of Professional Medical Conduct

DATE: 21 September 2005  
  
DENNIS J. GRAZIANO  
Director  
Office of Professional Medical Conduct

**IN THE MATTER****OF****PREM NATH, M.D.  
AL-00-02-0430-A**

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**STATEMENT****OF****CHARGES**

**PREM NATH, M.D.**, the Respondent, was authorized to practice medicine in New York state on December 16, 1977, by the issuance of license number 133128 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. On or about July 1, 1999, the New York State, Department of Health, State Board for Professional Medical Conduct (hereinafter "BPMC"), by an Order (hereinafter "NY Order") (Attached hereto as Exhibit A), fined Respondent \$25,000.00, suspended his license for thirty six (36) months, nine (9) months actual, the last twenty seven (27) months stayed, and imposed five (5) years probation with terms and conditions, to commence after the nine (9) months actual suspension, and permanently restricted his practice of medicine in that it "shall be limited to exclude the practice of pain management, that is, a prohibition from treating patients with chronic pain," based on an admission of guilt to seven (7) Specifications, and not contesting ten (10) Specifications in a Statement of Charges, dated April 7, 1999 (Attached hereto as Exhibit B).

B. On or about January 9, 12, 16, 19, 23, 28, and 30, 2002, February 2, 6, 9, 16, 18, 20, and 23, 2002, March 2, 6, 9, and 16, 2002, and/or April 5 and 10, 2002, at Nanuet Medical Services, Nanuet, New York, Respondent treated Patient A by providing "trigger point injections" as pain management treatment, in violation of the limitation imposed by the NY Order, set forth in Paragraph A, above.

C. On or about January 2, 9, 28, and 30, 2002, February 27, 2002, and/or March 19, 2002, at Nanuet Medical Services, Nanuet, New York, Respondent treated Patient B by

providing "trigger point injections" as pain management treatment, in violation of the limitation imposed by the NY Order, set forth in Paragraph A, above.

D. On or about December 19, and 26, 2001, February 23, 2002, and/or March 25, 2002, at Nanuet Medical Services, Nanuet, New York, Respondent treated Patient C by providing "trigger point injections" as pain management treatment, in violation of the limitation imposed by the NY Order, set forth in Paragraph A, above.

E. On or about March 16, 18, and/or 20, 2002, at Nanuet Medical Services, Nanuet, New York, Respondent treated Patient D by providing "trigger point injections" as pain management treatment, in violation of the limitation imposed by the NY Order, set forth in Paragraph A, above.

F. On or about March 9, 20, 23, and/or 29, 2002, at Nanuet Medical Services, Nanuet, New York, Respondent treated Patient E by providing "trigger point injections" as pain management treatment, in violation of the limitation imposed by the NY Order, set forth in Paragraph A, above.

G. On or about January 23, 2002, at Nanuet Medical Services, Nanuet, New York, Respondent treated Patient F by providing "trigger point injections" as pain management treatment, in violation of the limitation imposed by the NY Order, set forth in Paragraph A, above.

H. On or about January 16 and/or 28, 2002, at Nanuet Medical Services, Nanuet, New York, Respondent treated Patient G by providing "trigger point injections" as pain management treatment, in violation of the limitation imposed by the NY Order, set forth in Paragraph A, above.

I. On or about February 2, 2002, at Nanuet Medical Services, Nanuet, New York, Respondent treated Patient H by providing "trigger point injections" as pain management treatment, in violation of the limitation imposed by the NY Order, set forth in Paragraph A, above.

J. On or about February 13, 2002, at Nanuet Medical Services, Nanuet, New York, Respondent treated Patient I by providing "trigger point injections" as pain management

treatment, in violation of the limitation imposed by the NY Order, set forth in Paragraph A, above.

K. On or about February 27, 2002, at Nanuet Medical Services, Nanuet, New York, Respondent treated Patient J by providing "trigger point injections" as pain management treatment, in violation of the limitation imposed by the NY Order, set forth in Paragraph A, above.

L. On or about March 25, 2002, at Nanuet Medical Services, Nanuet, New York, Respondent treated Patient K by providing "trigger point injections" as pain management treatment, in violation of the limitation imposed by the NY Order, set forth in Paragraph A, above.

M. On or about March 11, 2001, the State of Connecticut, Connecticut Medical Examining Board (hereinafter "Connecticut Board"), by a Memorandum of Decision (hereinafter "Connecticut Order"), suspended Respondent's license to practice medicine for nine (9) months and placed his license on probation for five (5) years subject to terms and conditions, based on the NY Order, described in Paragraph A above; and Respondent storing controlled substances in an unsecure container in an unsecure room, in violation of 21 C.F.R. §1301.75; on various occasions between November 4, 1999, and May 18, 2000, acting as a wholesaler of controlled substances without a wholesaler license by taking orders for controlled substances for physicians who worked in his New York and New Jersey offices, combining the order and distributing the controlled substances to his offices in New York and New Jersey, in violation of 21 CFR §1301.11 and 21 CFR §1301.12 and Connecticut General Statutes §21a-70; from on or about February 28, 2000, to on or about May 18, 2000, ordering and/or distributing controlled substances when his controlled substance registration was expired, in violation of Connecticut General Statutes chapter 4200; on or about October 6, 2000, possessing and/or distributing controlled substances at his Livingston, New Jersey office when he did not have a valid registration with the Drug Enforcement Agency for this location, in violation of 21 CFR §1301.11 and 21 CFR §1301.12; on or about October 6, 2000, storing, possessing and distributing controlled substances at his Paramus, New Jersey office without maintaining invoices from the wholesalers or drug suppliers for the controlled substances and did not have appointment logs for the most recent two years, in violation of 21 CFR §1301; and having been issued a subpoena duces tecum to produce the records from his Paramus office by the Connecticut Board, and failing to produce such records in response to that subpoena.

N. The conduct resulting in the Connecticut Board 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(2) (practicing the profession fraudulently);
2. 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 this state, constitute professional misconduct under the laws of this state);
3. New York Education Law §6530(9)(d) (by having disciplinary action taken by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the disciplinary action would constitute professional misconduct under the laws of this state);
4. New York Education Law §6530(16) (willful failure to comply with federal, state, or local laws, rules, or regulations governing the practice of medicine);
5. New York Education Law §6530(20) (moral unfitness);
6. New York Education Law §6530(21) (willfully making or filing a false report, or failing to file a report required by law or by the department of health or the education department).

### **SPECIFICATIONS**

#### **FIRST SPECIFICATION**

Respondent violated New York Education Law §6530(9)(b) 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 Petitioner charges:

1. The facts in Paragraphs M and/or N.

#### **SECOND SPECIFICATION**

Respondent violated New York Education Law §6530(9)(d) by having his license to practice medicine suspended or having other disciplinary action taken by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the suspension



or other disciplinary action would, if committed in New York state, constitute professional misconduct under the laws of New York state, in that Petitioner charges:


2. The facts in Paragraphs M and/or N.

**THIRD THROUGH THIRTEENTH SPECIFICATIONS**

Respondent violated New York Education Law §6530(29) by violating a term or condition or limitation imposed on the licensee pursuant to §230 of the Public Health Law, in that Petitioner charges:

3. The facts in Paragraphs A and/or B.
4. The facts in Paragraphs A and/or C.
5. The facts in Paragraphs A and/or D.
6. The facts in Paragraphs A and/or E.
7. The facts in Paragraphs A and/or F.
8. The facts in Paragraphs A and/or G.
9. The facts in Paragraphs A and/or H.
10. The facts in Paragraphs A and/or I.
11. The facts in Paragraphs A and/or J.
12. The facts in Paragraphs A and/or K.
13. The facts in Paragraphs A and/or L.

DATED: *May 26*, 2004  
Albany, New York

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

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

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IN THE MATTER

OF

PREM NATH, M.D.

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CONSENT ORDER


Upon the proposed agreement of **PREM NATH, M.D.** (Respondent) for Consent Order, which application is made a part hereof, it is agreed to and

ORDERED, that the application and the provisions thereof are hereby adopted; and it is further

ORDERED, that this order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Consent Order to Respondent at the address set forth in this agreement or to Respondent's attorney by certified mail, or upon transmission via facsimile to Respondent or Respondent's attorney, whichever is earliest.

SO ORDERED.

DATED: 9-28-05

  
For KENDRICK A. SEARS, M.D.  
Chair  
State Board for Professional  
Medical Conduct

## **EXHIBIT B**

### **Terms of Probation**

1. Respondent shall conduct himself in all ways in a manner befitting his professional status, and shall conform fully to the moral and professional standards of conduct and obligations imposed by law and by his profession.
2. Respondent shall submit written notification to the New York State Department of Health addressed to the Director, Office of Professional Medical Conduct (OPMC), Hedley Park Place, 433 River Street Suite 303, Troy, New York 12180-2299; said notice is to include a full description of any employment and practice, professional and residential addresses and telephone numbers within or without New York State, and any and all investigations, charges, convictions or disciplinary actions by any local, state, or federal agency, institution or facility, within thirty (30) days of each action.
3. Respondent shall fully cooperate with and respond in a timely manner to requests from OPMC to provide written periodic verification of Respondent's compliance with the terms of this Order. Respondent shall personally meet with a person designated by the Director of OPMC as requested by the Director.
4. The period of probation shall be tolled during periods in which Respondent is not engaged in the active practice of medicine in New York State. Respondent shall notify the Director of OPMC, in writing, if Respondent is not currently engaged in, or intends to leave the active practice of medicine in New York State for a period of thirty (30) consecutive days or more. Respondent shall then notify the Director again prior to any change in that status. The period of probation shall resume and any terms of probation which were not fulfilled shall be fulfilled upon Respondent's return to practice in New York State.
5. Respondent's professional performance may be reviewed by the Director of OPMC. This review may include, but shall not be limited to, a review of office records, patient records and/or hospital charts, interviews with or periodic visits with Respondent and his staff at practice locations or OPMC offices.
6. Respondent shall maintain legible and complete medical records which accurately reflect the evaluation and treatment of patients. The medical records shall contain all information required by State rules and regulations regarding controlled substances.
7. Within thirty (30) days of the effective date of the Order, Respondent shall practice medicine only when monitored by a licensed physician, board certified in an appropriate specialty, ("practice monitor") proposed by Respondent and subject to the written approval of the Director of OPMC.
  - a. Respondent shall make available to the monitor any and all records or access to the practice requested by the monitor, including on-site observation. The practice monitor shall visit Respondent's medical practice at each and every location, on a random unannounced basis at least monthly and shall examine a selection (no less than 20%) of records maintained by Respondent, including patient records, prescribing information and office records. The review will determine whether the Respondent's medical practice is conducted in accordance with the generally accepted standards of professional medical care. Any perceived deviation of accepted standards of medical care or refusal to cooperate with the monitor shall be reported within 24 hours to OPMC.

- b. Respondent shall be solely responsible for all expenses associated with monitoring, including fees, if any, to the monitoring physician.
  - c. Respondent shall cause the practice monitor to report quarterly, in writing, to the Director of OPMC.
  - d. Respondent shall maintain medical malpractice insurance coverage with limits no less than \$2 million per occurrence and \$6 million per policy year, in accordance with Section 230(18)(b) of the Public Health Law. Proof of coverage shall be submitted to the Director of OPMC prior to Respondent's practice after the effective date of this Order.
8. Respondent shall comply with all terms, conditions, restrictions, limitations and penalties to which he is subject pursuant to the Order and shall assume and bear all costs related to compliance. Upon receipt of evidence of noncompliance with, or any violation of these terms, the Director of OPMC and/or the Board may initiate a violation of probation proceeding and/or any such other proceeding against Respondent as may be authorized pursuant to the law.