



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., Dr.P.H.  
*Commissioner*

Dennis P. Whalen  
*Executive Deputy Commissioner*

October 7, 2002

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Robert Bogan, Esq.  
NYS Department of Health  
Hedley Building-4<sup>th</sup> Floor  
433 River Street  
Troy, New York 12180

Sanmugam Paramsothy, M.D.  
9 Jalan Cantek  
Taman Kulam Air  
80200 Johore Bahru  
Malaysia

**RE: In the Matter of Sanmugam Paramsothy, M.D.**

Dear Parties:

Enclosed please find the Determination and Order (No.02-311) 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.

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), "the 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.

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  
Hedley Park Place  
433 River Street, Fifth Floor  
Troy, New York 12180

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,

A handwritten signature in black ink, appearing to read "Tyfone T. Butler". The signature is written in a cursive style with a large initial "T".

Tyfone T. Butler, Director  
Bureau of Adjudication

TTB:cah  
Enclosure

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

IN THE MATTER  
OF  
**SANMUGAM PARAMSOTHY, M.D.**

DETERMINATION  
AND  
ORDER  
BPMC #02-311

COPY

A Notice of Referral Proceeding and Statement of Charges, both dated August 26, 2002, were served upon the Respondent, **SANMUGAM PARAMSOTHY, M.D.**. **MICHAEL R. GOLDING, M.D.**, Chairperson, **MARGERY W. SMITH, M.D.** and **NANCY J. MACINTYRE, R.N., 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. **STEPHEN L. FRY, ESQ.**, Administrative Law Judge, served as the Administrative Officer.

A hearing was held on September 20, 2002, at the Offices of the New York State Department of Health, Hedley Park Place, 433 River Street, Troy, New York. The Department appeared by **DONALD P. BERENS, JR., ESQ.**, General Counsel, by **ROBERT BOGAN, ESQ.**, of Counsel. The Respondent did not appear at the hearing in person or by an attorney.

Evidence was received and transcripts of these proceedings were made.

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



1. **SANMUGAM PARAMSOTHY, M.D.**, the Respondent, was authorized to practice medicine in New York State on June 12, 1981, by the issuance of license number 146250 by the New York State Education Department (Ex. 3).
2. On July 24, 1997, Respondent was convicted of Driving While Intoxicated (DWI) by the Justice Court in Amherst, New York (Erie County). As a result of this conviction, Respondent's driver's license was revoked for six months, and he was required to pay a \$750 fine and \$90 surcharge (Ex. 4).

### **HEARING COMMITTEE CONCLUSIONS**

The hearing Committee concludes that as a result of his conviction for DWI, Respondent has committed misconduct under the laws of New York State, pursuant to New York Education Law §6530(9)(a)(i);

### **VOTE OF THE HEARING COMMITTEE**

#### **SPECIFICATION**

Respondent violated New York Education Law §6530(9)(a)(i) by having been convicted of a crime under New York State law.

**VOTE: SUSTAINED (3-0)**

### **HEARING COMMITTEE DETERMINATION**

It is noted that Respondent did not appear at the hearing. Respondent did, however, receive the Notice of Hearing and Statement of charges (Ex. 1, Ex. 2A), including information in the Notice of Referral Proceeding that he was required to file a written

answer to the Statement of Charges with the Bureau of Adjudication no later than ten days prior to the hearing, or any allegations not so answered would be deemed admitted. Respondent was also advised in this notice that the proceedings would be held whether or not he appeared, that requests for adjournments must be made in writing to the Bureau of Adjudication at least five days before the scheduled hearing date and that adjournments are not routinely granted. On September 18, 2002, Respondent spoke with Mr. Bogan from Malaysia, where he now lives, and stated that he had received the Notice, that he did not intend to attend the hearing, and that he was fully retired from the practice of medicine (Respondent is 63 years of age). Accordingly, the hearing was held in Respondent's absence.

The record in this case indicates that on July 24, 1997, Respondent was convicted of Driving While Intoxicated (DWI) by the Justice Court in Amherst, New York (Erie County). As a result of this conviction, Respondent's driver's license was revoked for six months, and he was required to pay a \$750 fine and \$90 surcharge. This conviction constitutes professional misconduct pursuant to New York Education Law §6530(9)(a)(i).

The only issue to be addressed herein is the penalty to be imposed. The Hearing Committee has concluded, after considering the nature of the offense and the full range of penalties available by law, including revocation or suspension of Respondent's license (Public Health Law §230-a) that the appropriate penalty is a censure and reprimand. The Hearing Committee feels that revocation or suspension are not necessary to protect the residents of New York State, given the fact that the conduct leading to the criminal conviction did not, as far as this record reveals, involve patient care and the fact that Respondent has left the country with no current intent to practice in New York State. The Censure and Reprimand are sufficient to put Respondent on notice that the abuse of

alcoholic beverages will not be tolerated in the future, and that should he do so, he will subject himself to further disciplinary action.

**ORDER**

**IT IS HEREBY ORDERED THAT:**

1. A **CENSURE AND REPRIMAND** are hereby issued against the New York medical license of **SANMUGAM PARAMSOTHY, M.D.**.

The **ORDER** shall be effective upon service on the Respondent or the Respondent's attorney by personal service or by certified or registered mail.

DATED: **New York, New York**  
30 Sept, 2002

  
**MICHAEL R. GOLDING, M.D.**  
Chairperson

**MARGERY W. SMITH, M.D.**  
**NANCY J. MACINTYRE, R.N., Ph.D.**

# APPENDIX 1



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

1  
M E U 9/20/02

IN THE MATTER  
  
OF  
  
SANMUGAM PARAMSOTHY, M.D.  
CO-01-04-1720-A

NOTICE OF  
  
REFERRAL  
  
PROCEEDING

TO: SANMUGAM PARAMSOTHY, M.D.  
9 Jalan Cantek  
Taman Kulam Air  
80200 Johore Bahru  
Malaysia

**PLEASE TAKE NOTICE THAT:**

An adjudicatory proceeding will be held pursuant to the provisions of N.Y. Pub. Health Law § 230(10)(p) and N.Y. State Admin. Proc. Act Sections 301-307 and 401. The proceeding will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct (Committee) on the 20<sup>th</sup> day of September 2002, at 10:00 in the forenoon of that day at the Hedley Park Place, 5<sup>th</sup> Floor, 433 River Street, Troy, New York 12180.

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 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, Hedley Park Place, 5<sup>th</sup> Floor, 433 River Street, Troy, New York, 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 September 10, 2002.

Pursuant to the provisions of N.Y. Public Health Law §230(10)(p), you shall file a written answer to each of the Charges and Allegations in the Statement of Charges no later than ten days prior to the hearing. Any Charge of Allegation not so answered shall be deemed admitted. You may wish to seek the advice of counsel prior to filing such an answer. The answer shall be filed with the Bureau of Adjudication, at the address indicated above, and a copy shall be forwarded to the attorney for the Department of Health whose name appears below. You may file a brief and affidavits with the Committee. Six copies of all such papers you wish to submit must be filed with the Bureau of Adjudication at the address indicated above on or before September 10, 2002, 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 the 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: Albany, New York

*August 26*, 2002

*Peter D. Van Buren*

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

Inquiries should be addressed to:

Robert Bogan  
Associate Counsel  
Office of Professional Medical Conduct  
433 River Street – Suite 303  
Troy, New York 12180  
(518) 402-0828

STATE OF NEW YORK

DEPARTMENT OF HEALTH

STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

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**IN THE MATTER**  
**OF**  
**SANMUGAM PARAMSOTHY, M.D.**  
**CO-01-04-1720-A**

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

**SANMUGAM PARAMSOTHY, M.D.**, the Respondent, was authorized to practice medicine in New York state on June 12, 1981, by the issuance of license number 146250 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. On or about July 24, 1997, in the Town of Amherst, Justice Court, Erie County, New York, Respondent was convicted of Driving While Intoxicated, in violation of New York Vehicle & Traffic Law §1192 (3), a misdemeanor, and was sentenced to a six (6) month drivers license revocation, a \$750.00 fine, and a \$90.00 surcharge.

**SPECIFICATION**

Respondent violated New York Education Law §6530(9)(a)(i) by having been convicted of committing an act constituting a crime under New York state law, in that Petitioner charges:

1. The facts in Paragraph A.

DATED: *August 26*, 2002  
Albany, New York

*Peter D. Van Buren*  
PETER D. VAN BUREN  
Deputy Counsel  
Bureau of Professional Medical Conduct