



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

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

Antonia C. Novello, M.D., M.P.H., Dr. P.H.  
Commissioner  
NYS Department of Health

Dennis P. Whalen  
Executive Deputy Commissioner  
NYS Department of Health

Dennis J. Graziano, Director  
Office of Professional Medical Conduct

Michael A. Gonzalez, R.P.A.  
Vice Chair

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

PUBLIC

February 27, 2004

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

Reddy Rebala, M.D.  
12845 Broadway  
Alden, NY 14004

Re: License No. 141766

Dear Dr. Rebala:

Enclosed please find Order #BPMC 04-43 of the New York State Board for Professional Medical Conduct. This order and any penalty provided therein goes into effect March 5, 2004.

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: Michael P. Stuermer, Esq.  
Lipsitz, Green, Fahringer, Roll, Salibury & Cambria  
42 Delaware Avenue, Suite 300  
Buffalo, NY 14202-3857

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

IN THE MATTER  
OF  
REDDY REBALA, M.D. A/K/A  
REBALA REDDY, M.D.

CONSENT  
ORDER

BPMC No. 04-43

Upon the application of Reddy Rebala, M.D. a/k/a Rebala Reddy, M.D. in the attached Consent Agreement and Order, which is made a part of this Consent Order, it is

ORDERED, that the Consent Agreement, and its terms, are adopted and SO ORDERED, and it is further

ORDERED, that this Order shall be effective upon issuance by the Board, either

- by mailing of a copy of this Consent Order, either by first class mail to Respondent at the address in the attached Consent Agreement or by certified mail to Respondent's attorney, OR
- upon facsimile transmission to Respondent or Respondent's attorney, whichever is first.

SO ORDERED.

DATED: 2/26/04

  
MICHAEL A. GONZALEZ, R.P.A.  
Vice Chair  
State Board for Professional Medical Conduct

IN THE MATTER  
OF  
REDDY REBALA, M.D. A/K/A  
REBALA REDDY, M.D.

CONSENT  
AGREEMENT  
AND  
ORDER

Reddy Rebala, M.D. a/k/a Rebala Reddy, M.D., representing that all of the following statements are true, deposes and says:

That on or about April 4, 1980, I was licensed to practice as a physician in the State of New York, and issued License No. 141766 by the New York State Education Department.

My current address is 12845 Broadway, Alden, New York, and I will advise the Director of the Office of Professional Medical Conduct of any change of address.

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

A copy of the Amended Statement of Charges, marked as Exhibit A, is attached to and part of this Consent Agreement.

I do not contest the Factual Allegations contained in Paragraphs A and A.1, A.2, A.3, A.4, A.5 and A.6, and do not contest the Factual Allegations in Paragraphs B and B(A), B(B), B(C) and B(D). I do not contest the First through Fourth Specifications of the Amended Statement of Charges.

I admit the Factual Allegations contained in Paragraph C, and admit to the Fifth Specification of the Amended Statement of Charges, in full satisfaction of the charges against me, and agree to the following penalty:

My license to practice medicine shall be limited, pursuant to §230-a of the Public Health Law, to preclude patient contact and any practice of medicine, clinical or otherwise. I shall be precluded from diagnosing, treating, operating, or prescribing for any human disease, pain, injury, deformity, or physical condition.

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

- That Respondent shall, within 30 days of the issuance of the Consent Order, notify the New York State Education Department, Division of Professional Licensing Services, that Respondent's license status is inactive, and shall provide proof of such notification to the Director of OPMC within 30 days thereafter; and
- That Respondent shall return any and all official New York State prescriptions to the Bureau of Controlled Substances, and shall surrender Respondent's Controlled Substance Registration Certificate to the United States Department of Justice, Drug Enforcement Administration, within 15 days of the effective date of this Order. Further, within 30 days of returning said prescriptions and surrendering said registration, Respondent shall provide documentary proof of such transaction(s) to the Director of OPMC; and

I further agree that the Consent Order shall impose the following conditions:

That Respondent shall cooperate fully with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Order and in its investigations of matters concerning Respondent. Respondent shall respond in

a timely manner to all OPMC requests for written periodic verification of Respondent's compliance with this Order. Respondent shall meet with a person designated by the Director of OPMC, as directed. Respondent shall respond promptly and provide all documents and information within Respondent's control, as directed. This condition shall take effect upon the Board's issuance of the Consent Order and will continue so long as Respondent remains licensed in New York State; and

Respondent shall comply with all conditions set forth in Exhibit B which is attached.

I stipulate that my failure to comply with any conditions of this Order shall constitute misconduct as defined by New York State Education Law §6530(29).

I agree that if I am charged with professional misconduct in the future, this Consent Agreement and Order shall be admitted into evidence in that proceeding.


I ask the Board to adopt this Consent Agreement.

I understand that if the Board does not adopt this Consent Agreement, none of its terms shall bind me or constitute an admission of any of the acts of alleged misconduct; this Consent Agreement shall not be used against me in any way and shall be kept in strict confidence; and the Board's denial shall be without prejudice to the pending disciplinary proceeding and the Board's final determination pursuant to the Public Health Law.

I agree that, if the Board adopts this Consent Agreement, the Chair of the Board shall issue a Consent Order in accordance with its terms. I agree that this Order shall take effect upon its issuance by the Board, either by mailing of a copy of the Consent Order by first class mail to me at the address in this Consent Agreement, or to my attorney by certified mail, OR upon facsimile transmission to me or my attorney, whichever is first.

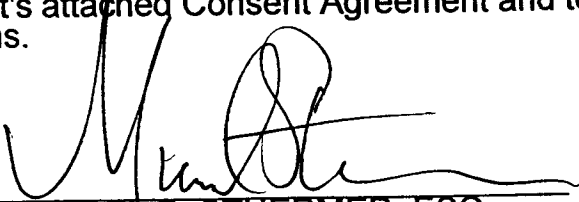
I ask the Board to adopt this Consent Agreement of my own free will and not under duress, compulsion or restraint. In consideration of the value to me of the Board's adoption of this Consent Agreement, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive my right to contest the Consent Order for which I apply, whether administratively or judicially. I further agree that regardless of the outcome of any appeal of my criminal conviction, I will remain bound by and will comply with the terms of this Consent Agreement. I will remain bound by and comply with the terms of this Consent Agreement even if my criminal conviction is overturned or vacated on appeal. I agree to be bound by the Consent Order, and ask that the Board adopt this Consent Agreement.

DATED 1/30/09.


  
REDDY REBALA, M.D.  
RESPONDENT

The undersigned agree to Respondent's attached Consent Agreement and to its proposed penalty, terms and conditions.

DATE: 1.30.04

  
MICHAEL P. STUERMER, ESQ.  
LIPSITZ, GREEN, FAHRINGER,  
ROLL, SALISBURY & CAMBRIA, LLP.  
Attorney for Respondent

DATE: February 17, 2004

  
CINDY M. FASCIA, ESQ.  
Associate Counsel  
Bureau of Professional Medical Conduct

DATE: February 25, 2004

  
DENNIS J. GRAZIANO  
Director  
Office of Professional Medical Conduct

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

IN THE MATTER  
OF  
REDDY REBALA, M.D. A/K/A  
REBALA REDDY, M.D.

AMENDED  
STATEMENT  
OF  
CHARGES

REDDY REBALA A/K/A REBALA REDDY, M.D., Respondent, was authorized to practice medicine in New York State on April 4, 1980, by the issuance of license number 141766 by the New York State Education Department. Respondent is currently registered with the New York State Education Department to practice medicine in New York State.

**FACTUAL ALLEGATIONS**

A. Respondent provided medical care to Patient A (patients are identified in Appendix) from approximately March 26, 1992 through April 2, 2001 at Respondent's office located at 12845 Broadway, Alden, New York, 14004 (hereafter "Respondent's office"). Respondent, on or about April 2, 2001, during the course of Patient A's office visit for medical care, engaged in the following conduct toward Patient A:

1. Respondent, while Patient A was seated on the examination table, rubbed the tip of Patient A's tongue with his ungloved finger.



2. Respondent, while he rubbed the tip of Patient A's tongue with his ungloved finger, said "Nice."
3. Respondent, while he rubbed the tip of Patient A's tongue with his ungloved finger, rubbed his groin area against Patient A's leg.
4. Respondent, while Patient A was lying down on the examination table, again rubbed the tip of Patient A's tongue with his ungloved finger.
5. Respondent, while Patient A was lying down on the examination table, and while Respondent rubbed the tip of Patient A's tongue with his ungloved finger, rubbed Patient A's breast with his other hand.
6. Respondent, while Patient A was lying down on the examination table, and while Respondent rubbed the tip of Patient A's tongue with his ungloved finger and rubbed Patient A's breast with his other hand, began to jerk his body.

B. Respondent provided medical care to Patient B from approximately February 13, 1990 through September 28, 1992 at Respondent's office. Respondent, during the course of Patient B's appointments for medical care on or about September 4, 1992; and/or on or about September 11, 1992; and/or on or about September 28, 1992; engaged in the following conduct toward

Patient B:

- A. Respondent, while Patient B was seated on the examination table, put his ungloved finger in her mouth and/or moved her tongue with his ungloved finger and/or moved his ungloved finger around her mouth.
- B. Respondent, while he had his ungloved finger in or around Patient B's mouth and/or on her tongue, rubbed his erect penis against her leg.
- C. Respondent, on or about September 28, 1992, ran his hands across the top of Patient B's breasts.
- D. Respondent, on or about September 28, 1992, said to Patient B, "You are so beautiful. Can I call you at home?" or words to such effect.

C. Respondent, on or about October 24, 2002, in the Clarence Town Justice Court, Town of Clarence, New York, was convicted of Sexual Abuse in the Third Degree under Penal Law §130.55. Specifically, Respondent was found to have committed the following acts:

[Respondent] placed his finger on [Patient A's] tongue and began rubbing her tongue. He said to her "nice." While doing this, [Respondent] rubbed his crotch area against her knee. She moved her knee away from the

[Respondent] and the touching stopped.

[Respondent] then told her that he had to draw blood. While [Patient A] was laying on the examining table for the blood draw, the [Respondent] touched her again. [Respondent] rubbed his index finger on her tongue and rubbed her breast with his other hand. During the course of the rubbing, the [Respondent's] lower torso was convulsing against the examining table.

The Court specifically found that Patient A did not consent to these actions by Respondent, that Respondent's testimony denying these actions was not credible, and that Respondent "apparently obtained sexual gratification from his actions, as evidenced by the rubbing of his erect penis and the convulsions in his lower torso."

**SPECIFICATION OF CHARGES**

**FIRST AND SECOND SPECIFICATIONS**

**MORAL UNFITNESS**

Respondent is charged with committing conduct in the practice of medicine which evidences moral unfitness to practice medicine in violation of New York Education Law § 6530(20), in that Petitioner charges:

1. The facts in Paragraphs A and A.1 and/or A.2 and/or A.3 and/or A.4 and/or A.5 and/or A.6. and/or C.
2. The facts in Paragraphs B and B.1 and/or B.2 and/or B.3 and/or B.4.

**THIRD AND FOURTH SPECIFICATIONS**

**WILLFULLY HARASSING OR ABUSING A PATIENT**

Respondent is charged with willfully harassing, abusing, or intimidating a patient physically and/or verbally, in violation of New York Education Law § 6530(31), in that Petitioner charges:


3. The facts in Paragraphs A and A.1 and/or A.2 and/or A.3 and/or A.4 and/or A.5 and/or A.6 and/or C.
4. The facts in Paragraphs B and B.1 and/or B.2 and/or B.3 and/or B.4.

**FIFTH SPECIFICATION**

Respondent is charged with being convicted of committing an act constituting a crime under New York State law, in violation of New York Education Law §6530(9)(a)(i), in that Petitioner charges:

5. The facts in Paragraph C.

DATED: November 8, 2002  
Albany, New York

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

## EXHIBIT B

1. Respondent shall immediately cease and desist from engaging in the practice of medicine in accordance with the terms of the Order. In addition, Respondent shall refrain from providing an opinion as to professional practice or its application and from representing himself as being eligible to practice medicine.
2. Respondent shall have delivered to the Office of Professional Medical Conduct (OPMC) at 433 River Street Suite 303, Troy, NY 12180-2299 his current biennial registration within thirty (30) days of the effective date of the Order.
3. Respondent shall, within 30 days of the issuance of the Consent Order, notify the New York State Education Department, Division of Professional Licensing Services, that Respondent's license status is "inactive," and shall provide proof of such notification to the Director of OPMC within 30 days thereafter.
4. Respondent shall make arrangements for the transfer and maintenance of the medical records of his patients. Within thirty days of the effective date of the Order, Respondent shall notify OPMC of these arrangements including the appropriate and acceptable contact person's name, address, and telephone number who shall have access to these records. Original records shall be retained for at least six years after the last date of service rendered to a patient or, in the case of a minor, for at least six years after the last date of service or three years after the patient reaches the age of majority whichever time period is longer. Records shall be maintained in a safe and secure place which is reasonably accessible to former patients. The arrangements shall include provisions to ensure that the information on the record is kept confidential and made available only to authorized persons. When a patient or and/or his or her representative requests a copy of the patient's medical record or requests that the original medical record be forwarded to another health care provider, a copy of the record shall be promptly provided or forwarded at a reasonable cost to the patient (not to exceed seventy-five cents per page.) Radiographic, sonographic and like materials shall be provided at cost. A qualified person shall not be denied access to patient information solely because of their inability to pay.
5. In the event that Respondent holds a Drug Enforcement Agency (DEA) certificate, Respondent shall within fifteen (15) days advise the DEA in writing of the licensure action and shall surrender his DEA controlled substance privileges to the DEA. Respondent shall promptly surrender any unused DEA #222 U.S. Official Order Forms Schedules 1 and 2 to the DEA.
6. Respondent shall within fifteen (15) days return any unused New York State official prescription forms to the Bureau of Controlled Substances of the New York State Department of Health. Respondent shall cause all prescription pads bearing his name to be destroyed. If no other licensee is providing services at his practice location, all medications shall be properly disposed.
7. Respondent shall within thirty (30) days stop all advertisements, professional listings whether in telephone directories or otherwise, and professional stationery or billings by which his eligibility to practice is represented, and shall remove within thirty days all signs by which his eligibility to practice is represented.

8. Respondent shall be responsible for assuring that he is in compliance with the provisions of the New York Business Corporation Law as it pertains to professional service corporations. Respondent shall not violate any statute or regulation pertaining to fee splitting.

9. Failure to comply with the above directives may result in a civil penalty or further criminal penalties as may be authorized pursuant to the law. Under Section 6512 of the Education Law it is a Class E Felony, punishable by imprisonment of up to 4 years, to practice the profession of medicine when such professional license has been suspended, revoked or annulled. Such punishment is in addition to the penalties for professional misconduct set forth in section 230-a of the Public Health Law, which includes fines of up to \$10,000 for each specification of charges of which the Respondent is found guilty and may include revocation of a suspended license.