



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

PUBLIC

September 29, 2003

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Narayan Swamy Madiseti, M.B.B.S.,
a/k/a Swamy Madiseti Narayan, M.B.B.S.,
a/k/a Madiseti Swamy Narayan, M.B.B.S.,
a/k/a Narayan S. Madiseti, M.D.
227 W. 24th Street, Apartment 364
Houston, Texas 77008

Robert Bogan, Esq.
Paul Robert Maher, Esq.
NYS Department of Health
Hedley Park Place
1st Floor Annex
433 River Street
Troy, New York 12180

Narayan Swamy Madiseti, M.B.B.S.,
a/k/a Swamy Madiseti Narayan, M.B.B.S.,
a/k/a Madiseti Swamy Narayan, M.B.B.S.,
a/k/a Narayan S. Madiseti, M.D.
11821 E. 1-10, Suite 175
Houston, Texas 77029

Ms. Bhavani Madiseti
11821 E. 1-10, Suite 175
Houston, Texas 77029

RE: In the Matter of Narayan S. Madiseti, M.D.

Dear Parties:

Enclosed please find the Determination and Order (No. 03-258) 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.

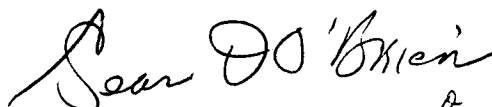
The notice of review served on the Administrative Review Board should be forwarded to:

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 cursive script that reads "Sean D. O'Brien".

Sean D. O'Brien, Director
Bureau of Adjudication

SDO:djh

Enclosure

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

COPY

IN THE MATTER
OF
NARAYAN S. MADISETTI, M.D.

DETERMINATION

AND

ORDER

BPMC #03-258

A Notice of Referral Proceeding and Statement of Charges, both dated August 1, 2003, were served upon the Respondent, **NARAYAN S. MADISETTI, M.D.** **STEVEN V. GRABIEC, M.D.**, Chairperson, **STEVEN PINSKY, M.D.** and **WILLIAM W. WALENCE, 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 17, 2003, 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.** and **PAUL ROBERT MAHER, ESQ.**, of Counsel. The Respondent did not appear in person, but was represented by his daughter, **BHAVANI MADISETTI.**

Evidence was received 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 Section 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, the Respondent is charged with professional misconduct pursuant to Education Law Sections 6530(9)(b) and (d), based upon actions constituting violations of subdivisions (3) and (32). A copy of the Notice of Referral Proceeding and Statement of Charges is attached to this Determination and Order as Appendix 1.

WITNESSES

For the Petitioner:	None
For the Respondent:	Bhavani Madiseti

FINDINGS OF FACT

The following Findings of Fact were made after a review of the entire record in this matter. Numbers below in parentheses refer to exhibits, denoted by the prefix "Ex.". These citations refer to 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. All Hearing Committee findings were unanimous unless otherwise specified.

1. **NARAYAN S. MADISETTI, M.D. (A/K/A Narayan Swamy Madisetti, M.B.B.S., Swamy Madisetti Narayan, M.B.B.S., or Madisetti Swamy Narayan, M.B.B.S.),** the Respondent, was authorized to practice medicine in New York State on March 8, 1971, by the issuance of license number 108272 by the New York State Education Department (Ex. 4).
2. On May 29, 2003, Respondent and the Texas Board of Medical Examiners ("the Texas Board") entered into an Agreed Order, wherein the Board concluded that Respondent was subject to disciplinary action as a result of his failure to keep complete and accurate medical records, violation of a rule concerning the treatment of chronic pain patients, and failure to practice medicine consistent with public health and welfare. The discipline imposed by the Board (referred to in the Order as a "restriction" of his license for a maximum of five years) required Respondent to (among other things): make extensive changes to his medical record keeping system; submit a corrective action plan regarding the manner in which he treated chronic pain patients; submit to practice and records monitoring; and attend continuing education courses in prescribing controlled drugs and pain management.

HEARING COMMITTEE CONCLUSIONS

The hearing Committee concludes that the Texas Board's disciplinary actions against Respondent constitute misconduct under New York Education Law §6530(9)(b) and (d), in

that the conduct would have constituted misconduct under the laws of New York State, had it been committed here, pursuant to:

- New York Education Law §6530(3) (negligence on more than one occasion); and
- New York Education Law §6530(32) (failure to maintain a record for each patient which adequately reflects the evaluation and treatment of the patient);

VOTE OF THE HEARING COMMITTEE

SPECIFICATIONS

FIRST SPECIFICATION

Respondent 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.

VOTE: SUSTAINED (3-0)

SECOND SPECIFICATION

Respondent violated New York Education Law §6530(9)(d) by having had disciplinary action taken by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the disciplinary action would, if committed in New York State, constitute professional misconduct under the laws of New York state.

VOTE: SUSTAINED (3-0)

HEARING COMMITTEE DETERMINATION

The record in this case establishes that Respondent entered into an agreed order with the Texas Board based upon violations of Texas statutes relating to the manner in which he treated and maintained records for chronic pain patients he treated at his pain clinic (Respondent is Board Certified in anesthesia and pain management).

The Hearing Committee determines that the findings of the Texas Board constitute misconduct pursuant to the New York statutes set forth above. Pursuant to New York Public Health Law 230(10)(p), once an administrative action by another state is established for conduct that would have constituted misconduct in New York, had it been committed here, the only issue that can be addressed at the hearing is the appropriate penalty for the New York misconduct.

The Hearing Committee believes, from the evidence presented that Respondent is taking steps to conform his practice to the parameters set forth in the Texas Order, and the Order itself specified that he was taking such steps before the Order was entered (Ex. 5). Respondent's extensive corrective action plan, as required by the order, was introduced into evidence (Ex. C), and copies of the forms and records Respondent adopted to comply with the Order were also introduced (Ex. D). It is the belief of the Hearing Committee that Respondent's adherence to the corrective action plan and use of the new forms and records should eliminate concern about his treatment of chronic pain patients. Respondent's daughter also testified credibly that Respondent has completed his continuing education requirements (for the applicable period) and that the Texas Board's compliance Officer has thus far been satisfied with his records.

The Hearing Committee concludes that the residents of New York State will best be served if the penalty to be imposed in this case is commensurate with that imposed by the

Texas Board. For that reason, the Hearing Committee imposes a period of probation of the same duration as the Texas "restriction" (which is essentially a probationary period), or a maxim of five years, under terms to be set forth in the attached Order.

ORDER

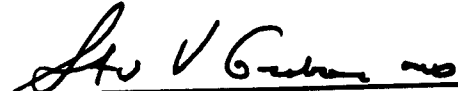
IT IS HEREBY ORDERED THAT:

1. The New York medical license of **NARAYAN S. MADISETTI, M.D.** is hereby placed on **PROBATION** for a term of **FIVE YEARS** (unless he is relieved of his probation pursuant to section 2(A), below), commencing on the effective date of his Texas license restriction, as more fully specified, and under terms set forth, below.
2. The terms of Respondent's probation are as follows:
 - A). As long as the Texas license restriction is in effect, Respondent must, as a term of his New York probation, fully comply with its terms. Respondent must file a copy of this Decision and Order with the Texas Board and provide written verification to the New York Board, at the address set forth below, of such filing. As of the date of the instant order, the maximum term of the Texas restriction was five years from the signing of the Texas Order (which was May 29, 2003). The Texas Order was, however, by its terms, fully in force and effect for a minimum of 12 months, but Respondent was authorized to petition for amendment or termination of its conditions once a year thereafter. Should Respondent provide verification in writing from the Texas Board that termination of the Texas license restriction has been ordered because it is no longer necessary to ensure that Respondent will comply with applicable medical standards, Respondent's New York probation will also terminate. If the restriction is not lifted, or is lifted for any other reason unrelated to Respondent's compliance with the conditions in the Order (e.g., Respondent has left the state of Texas or has retired), Respondent's New York probation will continue for the full five year term, unless he permanently surrenders his New York medical license.
 - B). Prior to resuming practice in New York during his New York probationary period, Respondent must provide thirty (30) days prior written notice concerning his intention to the New York State Office of Professional Medical Conduct ("OPMC"). This notice should be sent by registered or certified mail, return receipt requested, to the Board, addressed to the Director, Office of Professional Medical Conduct, Hedley Park Place, 433 River Street - Fourth Floor, Troy, New York 12180-2299. Said notice is to include a full description of any employment and practice since the date of this hearing, as well as a listing of professional and residential addresses and telephone numbers within or without New York State. The notification must also list any and all investigations, charges, convictions or disciplinary actions by any local, state or federal agency, institution or facility since the date of this hearing.
 - C). Should Respondent return to New York to practice during the term of his New York probation, he shall have quarterly meetings with a monitoring physician who shall

- review his practice. This monitoring physician shall review randomly selected medical records and evaluate whether Respondent's practice comports with generally accepted standards of medical practice. This monitoring physician shall be selected by Respondent and is subject to the approval of the Director of the Office of Professional Medical Conduct. Respondent shall not practice medicine in New York until an acceptable monitoring physician is approved by the Director
- D). 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. Respondent acknowledges that if he commits professional misconduct as enumerated in New York State Education Law sections 6530 or 6531, those acts shall be deemed to be a violation of probation and that an action may be taken against Respondent's license pursuant to New York State Public Health Law 230(19).
 - E). Within thirty days of each such action or event during the probationary period, Respondent shall submit written notification to OPMC of all changes in 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.
 - F). Respondent shall fully cooperate with and respond in a timely manner to requests from OPMC to provide written periodic verification of his 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.
 - G). Should Respondent return to New York to practice during his probationary term, the period of probation shall be tolled during periods in which Respondent is thereafter not engaged in the active practice of medicine in New York State, unless he permanently surrenders his New York license. Respondent shall notify the Director of OPMC, in writing, if he 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 that were not fulfilled shall be fulfilled upon Respondent's return to practice in New York State.
 - H). 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/her staff at practice locations or OPMC offices.
 - I). Respondent shall maintain legible and complete medical records that accurately reflect the evaluation and treatment of patients.
 - J). Respondent shall comply with all terms, conditions, restrictions, limitations and penalties to which 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.

This ORDER shall be effective upon service on the Respondent pursuant to Public Health Law section 230(10)(h).

DATED: Niagara Falls, New York
9/25, 2003

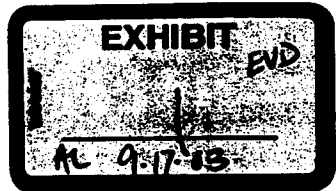


STEVEN V. GRABIEC, M.D.
Chairperson

STEVEN PINSKY, M.D.
WILLIAM W. WALENCE, PH.D.

APPENDIX 1

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



IN THE MATTER
OF

NOTICE OF
REFERRAL
PROCEEDING

**NARAYAN SWAMY MADISETTI, M.B.B.S.,
aka SWAMY MADISETTI NARAYAN, M.B.B.S.,
aka MADISETTI SWAMY NARAYAN, M.B.B.S.,
aka NARAYAN S. MADISETTI, M.D.
CO-03-07-3204-A**

**TO: NARAYAN SWAMY MADISETTI, M.B.B.S.,
aka SWAMY MADISETTI NARAYAN, M.B.B.S.,
aka MADISETTI SWAMY NARAYAN, M.B.B.S.,
aka NARAYAN S. MADISETTI, M.D.
227 W. 24th Street
Apt. 364
Houston, TX 77008**

**NARAYAN SWAMY MADISETTI, M.B.B.S.
aka SWAMY MADISETTI NARAYAN, M.B.B.S.,
aka MADISETTI SWAMY NARAYAN, M.B.B.S.,
aka NARAYAN S. MADISETTI, M.D.
11821 E. I-10
Suite 175
Houston, TX 77029**

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 17th day of September 2003, at 10:00 in the forenoon of that day at the Hedley Park Place, 5th Floor, 433 River Street, Troy, New York 12180.

At the proceeding, evidence will be received concerning the allegations set forth in the attached Statement of Charges. 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 that 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, Hedley Park Place, 5th Floor, 433 River Street, Troy, New York, ATTENTION: HON. JAMES F. HORAN, ACTING DIRECTOR, BUREAU OF ADJUDICATION, (hereinafter "Bureau of Adjudication") as well as the Department of Health attorney indicated below, on or before September 8, 2003.

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 8, 2003, 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 1, 2003



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

Inquiries should be addressed to:

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

IN THE MATTER

OF

**NARAYAN SWAMY MADISETTI, M.B.B.S.,
aka SWAMY MADISETTI NARAYAN, M.B.B.S.,
aka MADISETTI SWAMY NARAYAN, M.B.B.S.,
aka NARYAN S. MADISETTI, M.D.
CO-03-07-3204-A**

STATEMENT

OF

CHARGES

NARAYAN SWAMY MADISETTI, M.B.B.S., aka SWAMY MADISETTI NARAYAN, M.B.B.S., aka MADISETTI SWAMY NARAYAN, M.B.B.S., aka NARYAN S. MADISETTI, M.D., the Respondent, was authorized to practice medicine in New York state on March 8, 1971, by the issuance of license number 108274 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about June 6, 2003, the Texas State Board of Medical Examiners (hereinafter "Texas Board"), by an Agreed Order (hereinafter "Texas Order"), RESTRICTED Respondent's medical license for five (5) years under terms and conditions, based on inadequate medical record keeping.

B. The conduct resulting in the Texas Board 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);
- and/or
2. New York Education Law §6530(32) (failure to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient).

SPECIFICATIONS
FIRST SPECIFICATION

Respondent violated New York Education Law §6530(9)(b) by having been found guilty or improper professional practice of professional misconduct by a duly 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 A and/or B.

SECOND SPECIFICATION

Respondent violated 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, if committed in New York state, constitute professional misconduct under the laws New York state, in that Petitioner charges:

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

DATED: *August 1*, 2003
Albany, New York


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