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IN THE MATTER

OF

**VENKATARAMANAI AH PULIVARTHI, M.B.B.S.**  
**aka VENKATA R. PULIVARTHI, M.B.B.S.**  
**aka VENKATA RAMANAI AH PULIVARTHI, M.B.B.S.**  
**CO-03-04-1809-A**

**COMMISSIONER'S  
ORDER  
AND  
NOTICE OF  
REFERRAL  
PROCEEDING**

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**TO:** **VENKATARAMANAI AH PULIVARTHI, M.B.B.S.**  
**aka VENKATA R. PULIVARTHI, M.B.B.S.**  
**aka VENKATA RAMANAI AH PULIVARTHI, M.B.B.S.**  
3637 Trinity Mills Road  
Apt. 1112  
Dallas, TX 75287

The undersigned, Antonia C. Novello, M.D., M.P.H., Dr. P.H., Commissioner of the New York State Department of Health, after an investigation, upon the recommendation of a committee on professional medical conduct of the State Board for Professional Medical Conduct, and upon the Statement of Charges attached, hereto, and made a part hereof, has determined that **VENKATARAMANAI AH PULIVARTHI, M.B.B.S., aka VENKATA R. PULIVARTHI, M.B.B.S., aka VENKATA RAMANAI AH PULIVARTHI, M.B.B.S.**, Respondent, licensed to practice medicine in New York state on July 6, 1995, by license number 200035, has been found guilty, based on a plea of guilty, of committing acts constituting a felony under federal law in the United States District Court, District of South Carolina.

It is therefore,

ORDERED, pursuant to N.Y. Public Health Law Section 230(12)(b), that effective immediately, **VENKATARAMANAI AH PULIVARTHI, M.B.B.S., aka VENKATA R. PULIVARTHI, M.B.B.S., aka VENKATA RAMANAI AH PULIVARTHI, M.B.B.S.**,

Respondent, shall not practice medicine in the State of New York or in any other jurisdiction where that practice is dependent on a valid New York State license to practice medicine. This order shall remain in effect unless modified or vacated by the Commissioner of Health pursuant to N.Y. Public Health Law Section 230(12).

PLEASE TAKE NOTICE that a hearing will be held pursuant to the provisions of N.Y. Public Health Law Section 230, and N.Y. State Admin. Proc. Act Sections 301-307 and 401. The hearing will be conducted before a committee on professional conduct of the State Board of Professional Medical Conduct, on the 22<sup>nd</sup> day of January, 2004 at 10:00 am in the forenoon at Hedley Park Place, 433 River Street, 5<sup>th</sup> Floor, Troy, New York 12180. The Respondent may file an answer to the Statement of Charges with the below-named attorney for the Department of Health.

At the hearing, evidence will be received concerning the allegations set forth in the Statement of Charges, that is attached. A stenographic record of the hearing will be made and the witnesses at the hearing will be sworn and examined. The Respondent shall appear in person at the hearing and may be represented by counsel. The Respondent has the right to produce witnesses and evidence on his behalf, to issue or have subpoenas issued on his behalf for the production of witnesses and documents. 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. Respondent has the right cross-examine witnesses and examine evidence produced against him. A summary of the Department of Health Hearing Rules is

enclosed. 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 hearing will proceed whether or not the Respondent appears at the hearing. Scheduled hearing dates are considered dates certain and, therefore, adjournment requests are not routinely granted. Requests for adjournments must be made in writing to the Administrative Law Judge's Office, Hedley Park Place, 433 River Street, 5<sup>th</sup> Floor, Troy, New York 12180 (518-402-0751), upon notice to the attorney for the Department of Health whose name appears below, and at least five days prior to the scheduled hearing date. Claims of court engagement will require detailed affidavits of actual engagement. Claims of illness will require medical documentation.

At the conclusion of the hearing, the committee shall make findings of fact, conclusions concerning the charges sustained or dismissed, and, in the event that any of the charges are sustained, a determination of the penalty or sanction to be imposed or appropriate action to be taken. Such determination may be reviewed by the Administrative Review Board for Professional Medical Conduct.

**THESE PROCEEDINGS MAY RESULT IN A  
DETERMINATION THAT YOUR LICENSE TO  
PRACTICE MEDICINE IN NEW YORK STATE BE  
REVOKED OR SUSPENDED, AND/OR THAT  
YOU MAY BE FINED OR SUBJECT TO OTHER  
SANCTIONS SET FORTH IN NEW YORK PUBLIC  
HEALTH LAW SECTION 230-A. YOU ARE  
URGED TO OBTAIN AN ATTORNEY FOR THIS MATTER.**

DATED: Albany, New York

*December 15*, 2003

  
ANTONIA C. NOVELLO, M.D., M.P.H, Dr. P.H.,  
Commissioner

Inquires 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

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STATE OF NEW YORK

DEPARTMENT OF HEALTH

STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

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IN THE MATTER

OF

**VENKATARAMANAI AH PULIVARTHI, M.B.B.S.,  
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CO-03-04-1809-A**

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STATEMENT

OF

CHARGES

**VENKATARAMANAI AH PULIVARTHI, M.B.B.S., aka VENKATA R. PULIVARTHI, M.B.B.S., aka VENKATA RAMANAI AH PULIVARTHI, M.B.B.S.**, the Respondent, was authorized to practice medicine in New York state on July 6, 1995, by the issuance of license number 200035 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. On or about November 15, 2002, in the United State District Court, District of South Carolina, Respondent was found guilty, based on a plea of guilty, of Conspiracy to distribute and distributing Schedule IV Controlled Substances, in violation of 21 United States Code §846, a felony, and on September 22, 2003, was sentenced to three (3) years probation, a \$100.00 assessment, and 100 hours community service.

B. On or about March 13, 2003, the State Board of Medical Examiners of South Carolina (hereinafter "South Carolina Board"), by an Order of Temporary Suspension (hereinafter "South Carolina Order"), immediately temporarily suspended Respondent's license to practice medicine pending final disposition of a disciplinary proceeding and until further Order of the South Carolina Board, based on the conviction set forth in Paragraph A above.

C. On or about April 22, 2003, the North Carolina Medical Board, (hereinafter "North Carolina Board"), by a Notice of Revocation, (hereinafter "North Carolina Order"), notified Respondent that his license would be automatically revoked unless the Board received a

request for a hearing within sixty (60) days of his receipt of the North Carolina Order, based on the criminal conviction set forth in Paragraph A, above.

D. On or about May 30, 2003, the South Carolina Board revoked Respondent's license to practice medicine, based on Respondent not requesting a hearing within sixty (60) days of receipt of the North Carolina Order, set forth in Paragraph C above.

E. The conduct resulting in the South Carolina 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(9)(a)(ii) (being convicted of committing an act constituting a crime under federal law); and/or
2. New York Education Law §6530(20) (moral unfitness).

F. The conduct resulting in the North Carolina 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 §65309(a)(ii) (being convicted of committing an act constituting a crime under federal law).

### **SPECIFICATIONS**

#### **FIRST SPECIFICATION**

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

1. The facts in Paragraph A.

## SECOND AND THIRD SPECIFICATIONS

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 findings was based would, if committed in New York state, constitute professional misconduct under the laws of New York state, in that the Petitioner charges:

2. The facts in Paragraphs A, B, and/or E;
3. The facts in Paragraphs A, C, D, and/or F.

## FOURTH AND FIFTH SPECIFICATIONS

Respondent violated New York Education Law §6530(9)(d) by having his license revoked, suspended or having other disciplinary action taken by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the revocation, suspension or other disciplinary action would, if committed in New York state, constitute professional misconduct under the laws New York state, in that Petitioner charges:

4. The facts in Paragraphs A, B, and/or E;
5. The facts in Paragraphs A, C, D, and/or F.

DATED: *Dec. 15*, 2003  
Albany, New York

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