



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.
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NYS Department of Health*

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*Executive Deputy Commissioner
NYS Department of Health*

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Office of Professional Medical Conduct

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Vice Chair

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

PUBLIC

January 5, 2005

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Arbind Das, M.D.
1058 Pittsford Mendon Road
Pittsford, New York 14534

Re: License No. 199553

Dear Dr. Das:

Enclosed please find Order #BPMC 05-01 of the New York State Board for Professional Medical Conduct. This order and any penalty provided therein goes into effect January 12, 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: Richard S. Tubiolo, Esq.
Hirsch and Tubiolo, P.C.
1000 Reynolds Arcade Bldg.
16 East Main Street
Rochester, New York 14614-1796

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

IN THE MATTER
OF
ARBIND DAS, M.D.

CONSENT
ORDER

BPMC No. 05-01

Upon the application of ARBIND DAS, M.D. (Respondent), 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 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.



DATE: 1-4-05

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

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

**IN THE MATTER
OF
ARBIND DAS, M.D.**

**CONSENT
AGREEMENT
AND
ORDER**

ARBIND DAS, M.D. , representing that all of the following statements are true, deposes and says:

That on or about June 6, 1995, I was licensed to practice as a physician in the State of New York, and issued License No. 199553 by the New York State Education Department.

My current address is 1058 Pittsford Mendon Road, Pittsford, New York 14534, 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 Ten Specifications of professional misconduct.

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

I admit guilt of the Fourth Specification in full satisfaction of the charges against me, and agree to the following penalty: a one year suspension of my license to practice medicine in New York State, which suspension shall be stayed in its entirety contingent on my full compliance for a period of two years, with the Conditions attached hereto as Exhibit B.

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

That Respondent shall maintain current registration of licensure with the New York State Education Department Division of Professional Licensing Services (except during periods of actual suspension), and shall pay all registration fees. This condition shall take effect thirty (30) days after the Consent Order's effective date and will continue so long as Respondent remains licensed in New York State; and

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.

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 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. The Order, this agreement, and all attached Exhibits shall be public documents, with only patient identities, if any, redacted.

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 agree to be bound by the Consent Order, and ask that the Board adopt this Consent Agreement.


DATE: 12/23/04




ARBIN DAS, M.D.
RESPONDENT

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

DATE: 12/23/04


RICHARD TUBIOLO, ESQ.
Attorney for Respondent

DATE: 12/27/04


KEVIN P. DONOVAN
ASSOCIATE COUNSEL
Bureau of Professional Medical Conduct

DATE: 12/31/04


DENNIS J. GRAZIANO
Director
Office of Professional Medical Conduct

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

IN THE MATTER : STATEMENT
OF : OF
ARBIND DAS, M.D. : CHARGES

ARBIND DAS, M.D., the Respondent, was authorized to practice medicine in New York State on or about June 6, 1995, by the issuance of license number 199553 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. Respondent provided medical care to Patient A on or around January 17, 2003 at Unity Health Park Ridge Hospital/St. Mary's Hospital Walk In Care Center, Rochester, New York. Respondent's care of Patient A failed to meet acceptable standards of care in that:
1. Respondent, after being informed that Patient A had died after discharge, requested that Nurse A alter the blood pressure she wrote for Patient A in the medical record despite Nurse A's telling him that the blood pressure she recorded was accurate.
 2. In the medical record of Patient A, Respondent wrote over the blood pressure written by Nurse A of 78/55, so that it read 98/85, even after Nurse A had told him that the blood pressure she recorded was accurate.
- B. Respondent provided medical care to Patient B from around August 1998 to around June 2002 at Unity Health - Park Ridge Hospital, Rochester, New York. Respondent's care of Patient B failed to meet acceptable standards of care in that:
1. Respondent failed to take adequate steps to assure Patient B adequate and timely cardiac, ophthalmologic, endocrinologic, neurologic, hematologic and/or renal evaluation.

EXHIBIT A

2. Respondent prescribed antihypertensive agents inappropriately.

SPECIFICATIONS OF MISCONDUCT

FIRST SPECIFICATION

NEGLIGENCE ON MORE THAN ONE OCCASION

Respondent is charged with committing professional misconduct within the meaning of N.Y. Educ. Law § 6530(3) by practicing the profession of medicine with negligence on more than one occasion as alleged in the following:

1. The facts of paragraphs A and B.

SECOND SPECIFICATION

INCOMPETENCE ON MORE THAN ONE OCCASION

Respondent is charged with committing professional misconduct within the meaning of N.Y. Educ. Law § 6530(5) by practicing the profession of medicine with incompetence on more than one occasion as alleged in the following:

2. The facts of paragraphs A and B.

THIRD THROUGH FIFTH SPECIFICATIONS

GROSS NEGLIGENCE

Respondent is charged with committing professional misconduct within the meaning of N.Y. Educ. Law § 6530(4) by practicing the profession of medicine with gross negligence on a particular occasion as alleged in the following:

3. The facts of paragraphs A and A.1.
4. The facts of paragraphs A and A.2.
5. The facts of paragraphs B.

SIXTH SPECIFICATION
GROSS INCOMPETENCE

Respondent is charged with committing professional misconduct within the meaning of N.Y. Educ. Law § 6530(6) by practicing the profession of medicine with gross incompetence as alleged in the following:

6. The facts of paragraphs A and B.

SEVENTH AND EIGHTH SPECIFICATIONS

FRAUD

Respondent is charged with practicing the profession fraudulently as defined in N.Y. Educ. Law § 6530(2) as set forth in the following:

7. The facts of paragraphs A and A.1.
8. The facts of paragraphs A and A.2.

DATED: Albany, New York

December 27, 2004


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

EXHIBIT "B"

Conditions

1. Respondent's conduct shall conform to moral and professional standards of conduct and governing law. Any act of professional misconduct by Respondent as defined by New York State Education Law § 6530 or § 6531 shall constitute a violation of this order and may subject Respondent to a disciplinary proceeding pursuant to New York State Public Health Law § 230(10).
2. Respondent shall maintain current registration of licensure with the New York State Education Department Division of Professional Licensing Services (except during periods of actual suspension), and shall pay all registration fees.
3. Respondent shall provide the Director, Office of Professional Medical Conduct (OPMC), Hedley Park Place, 433 River Street Suite 303, Troy, New York 12180-2299 with the following information, in writing, and ensure that such information is kept current: a full description of Respondent's employment and practice; all professional and residential addresses and telephone numbers within and outside New York State; 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.
4. Respondent shall cooperate fully with, and respond in a timely manner to, OPMC requests to provide written periodic verification of Respondent's compliance with the terms of this Consent Order. Upon the Director of OPMC's request, Respondent shall meet in person with the Director's designee.
5. The time period of these conditions shall toll when Respondent is not engaged in active medical practice in New York State for a period of thirty (30) consecutive days or more. Respondent shall notify the Director of OPMC, in writing, if Respondent is not currently engaged in, or intends to leave, active medical practice in New York State for a consecutive thirty (30) day period. Respondent shall then notify the Director again at least fourteen (14) days before returning to active practice. Upon Respondent's return to active practice in New York State, the time period of these conditions will resume and Respondent shall fulfill any unfulfilled terms.
6. The Director of OPMC may review Respondent's professional performance. This review may include but shall not be limited to: a review of office records, patient records and/or hospital charts; and interviews with or periodic visits with Respondent and staff at practice locations or OPMC offices.
7. Respondent shall maintain complete and legible medical records that accurately reflect the evaluation and treatment of patients and contain all information required by State rules and regulations concerning controlled substances.

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8. Respondent shall enroll in and complete a continuing education program in the area of medical recordkeeping and medical ethics. This continuing education program is subject to the Director of OPMC's prior written approval and shall be completed within the first year after the effective date of this order.
 9. Respondent shall comply with this Order and all its terms, and shall bear all associated compliance costs. Upon receiving evidence of noncompliance with, or violation of, these terms, the Director of OPMC and/or the Board may initiate any proceeding authorized by law against Respondent.