

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

IN THE MATTER
OF
ASHOK K. DAYAL, M.D.

MODIFICATION
ORDER
BPMC No. #05-182

Upon the proposed Application for a Modification Order of **ASHOK K. DAYAL, M.D.**
(Respondent), that is made a part of this Modification Order, it is agreed to and

ORDERED, that the attached Application, and its terms, are adopted, and it is further

ORDERED, that this Modification Order shall be effective upon issuance by the Board,
either by mailing of a copy of this Modification Order, by either first class mail, to Respondent at
the address in the attached Application or certified mail to Respondent's attorney, or upon
transmission via facsimile to Respondent or Respondent's attorney, whichever is earliest.

SO ORDERED.

DATED: 8-7-2008

Redacted Signature

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

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

IN THE MATTER
OF
ASHOK K. DAYAL, M.D.

APPLICATION TO
MODIFY CONSENT ORDER
BPMC No. 05-182

ASHOK K. DAYAL, M.D., (Respondent) deposes and says:

That on or about September 14, 2003, I was licensed to practice as a physician in the State of New York, having been issued license number 193637 by the New York State Education Department.

My current address Redacted Address ess polls, OH

I am currently subject to CONSENT ORDER, BPMC No. 05-182, annexed hereto, made a part hereof, and marked as Exhibit 1 (hereinafter "Original Order"), that was issued on or about August 22, 2005.

I have completed the clinical competency assessment performed by a program for such assessment as directed by the Director of OPMC.

I apply, hereby, to the State Board for Professional Medical Conduct for an Order (hereinafter "Modification Order"), modifying the Original Order, as follows:

The suspension set forth in the Original Order is, hereby, lifted and my license to practice medicine is fully restored without conditions except as set forth in this Modification Order:

That I shall maintain current registration of my license with the New York State Education Department Division of Professional Licensing Services, and pay all registration fees. This condition shall be in effect beginning thirty (30) days after the effective date of the Modification Order and will continue while Respondent possesses his license.

The Modification Order to be issued will not constitute a new disciplinary action against me, but will modify the Original Order as set forth above.

I am making this Application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner, and seek the anticipated benefit of the requested Modification. In consideration of the value to me of the acceptance by the Board of this Application, I knowingly waive any right I may have to contest the Original Order or the Modification Order for which I apply, administratively or judicially, and ask that the Board grant this Application.

AFFIRMED:

DATED: 7/30/08

Redacted Signature

ASHOK K. DAYAL, M.D.
Respondent

The undersigned agree to the attached application of Respondent and the terms and conditions, thereof.

DATE: 4 August 2008

Redacted Signature

ROBERT BOGAN
Associate Counsel
Bureau of Professional Medical Conduct

DATE: 8/7/08

Redacted Signature

KEITH W. SERVIS
Director
Office of Professional Medical Conduct



EXHIBIT 1

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

Kendrick A. Sears, M.D.
Chairman

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

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

Public

August 22, 2005

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Ashok K. Dayal, M.D.
Redacted Address
Gallipolis, OH 43172

Re: License No. 193637

Dear Dr. Dayal:

Enclosed is a copy of Order #BPMC 05-182 of the New York State Board for Professional Medical Conduct. This order and any penalty provided therein goes into effect August 29, 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,

Redacted Signature

Ansel R. Marks, M.D., J.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

cc: Robert D. Noble, M.D.
Matan, Geer & Wright
261 South Front Street
Columbus, OH 43215

NEW YORK STATE DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONALMEDICAL CONDUCT

IN THE MATTER
OF
ASHOK K. DAYAL, M.D.
CO-04-07-3437-A

CONSENT AGREEMENT
AND ORDER

BPMC No. 05-182

ASHOK K. DAYAL, M.D., states:

That on or about September 14, 2003, I was licensed to practice as a physician in the State of New York, having been issued License No. 193637 by the New York State Education Department.

My current address is Redacted Address Gallipolis, OH 3311 and I will advise the Director of the Office of Professional Medical Conduct of any change of my address thirty (30) days, thereof.

I understand that the New York State Board for Professional Medical Conduct has charged me with one (1) specification of professional misconduct.

A copy of the Statement of Charges is annexed hereto, made a part hereof, and marked as Exhibit A.

I do not contest the one (1) specification, in full satisfaction of the charges against me. I hereby, agree to the following penalty:

Indefinite suspension of my New York state license to practice medicine until successful completion of a clinical competency assessment.

Respondent shall not practice medicine until he obtains a clinical competency assessment performed by a program for such assessment as directed by the Director of OPMC. Respondent shall cause a written report of such assessment to be provided directly to the Director of OPMC.

Respondent shall be responsible for all expenses related to the clinical competency assessment and shall provide to the Director of OPMC proof of full payment of all costs that may be charged. This term shall not be satisfied in the absence of actual receipt, by the Director, of such documentation.

After compliance with all conditions I may, in writing, petition the Director, OPMC, for a Modification Order, staying the suspension and permitting me to practice as a physician under whatever limitation(s), term(s) of probation, or further conditions the Director, in his reasonable discretion, may impose.

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

That, except during periods of actual suspension, I shall maintain current registration of my license with the New York State Education Department Division of Professional Licensing Services, and pay all registration fees. This condition shall be in effect beginning thirty days after the effective date of the Consent Order and will continue while Respondent possesses his license; and

That I shall fully cooperate in every respect with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Order and in its investigation of all matters regarding Respondent. I shall respond in a timely manner to each and every request by OPMC to provide written periodic verification of Respondent's compliance with the terms of this Order. I shall meet with a person designated by the Director of OPMC as directed. I shall respond promptly and provide any and all documents and information within my control upon the direction of OPMC. This condition shall be in effect beginning upon the effective date of the Consent Order and will continue while I possess my license.

I, hereby, stipulate that any failure by me to comply with such conditions shall constitute misconduct as defined by New York State Education Law §6530(29).

I agree that in the event I am charged with professional misconduct in the future, this agreement

and order shall be admitted into evidence in that proceeding.

I, hereby, make this application to the State Board for Professional Medical Conduct (the Board) and request that it be granted.

I understand that, in the event that this application is not granted by the Board, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such application shall not be used against me in any way and shall be kept in strict confidence during the pendency of the professional misconduct disciplinary proceeding; and such denial by the Board shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by the Board pursuant to the provisions of the Public Health Law.

I agree that, in the event the Board grants my application, as set forth herein, an order of the Chairperson of the Board shall be issued in accordance with same. I agree that such order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Consent Order to me at the address set forth in this agreement, or to my attorney, or upon transmission via facsimile to me or my attorney, whichever is earliest.

I am making this application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner. In consideration of the value to me of the acceptance by the Board of this application, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive any right I may have to contest the Consent Order for which I hereby apply, whether administratively or judicially, and ask that the application be granted.

AFFIRMED

Redacted Signature

ASHOK K. DAYAL, M.D.
Respondent

DATED

7/25/05

The undersigned agree to the attached application of the Respondent and to the proposed penalty based on the terms and conditions thereof.

DATE: 7/27/05

Redacted Signature

ROBERT NOBLE
Attorney for Respondent

DATE: 15 August 2005

Redacted Signature

ROBERT BOGAN
Associate Counsel
Bureau of Professional Medical Conduct

DATE: 19 August 2005

Redacted Signature

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
ASHOK K. DAYAL, M.D.
CO-04-07-3437-A

STATEMENT
OF
CHARGES

ASHOK K. DAYAL, M.D., the Respondent, was authorized to practice medicine in New York state on September 14, 1993, by the issuance of license number 193637 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about March 23, 2004, the State Board of Medical Examiners, State of Colorado (hereinafter "Colorado Board"), by a Stipulation and Final Agency Order (hereinafter "Colorado Order"), admonished Respondent and required him to submit to Colorado Personalized Education for Physicians (CPEP) for the purposes of assessment and required him to successfully complete the education plan or other medical education or training required thereby prior to application for reactivation of his license to practice medicine, based on failing to meet generally accepted standards of medical practice.

B. The conduct resulting in the Colorado 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(32) (failure to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient).

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 of New York state, in that Petitioner charges:

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

DATED: *Aug. 10*, 2005
Albany, New York

Redacted Signature

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

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

IN THE MATTER
OF
ASHOK K. DAYAL, M.D.

CONSENT ORDER

Upon the proposed agreement of ASHOK K. DAYAL, M.D. (Respondent) for Consent Order, which application is made a part hereof, it is agreed to and

ORDERED, that the application and the provisions thereof are hereby adopted; and it is further

ORDERED, that this order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Consent Order to Respondent at the address set forth in this agreement or to Respondent's attorney by certified mail, or upon transmission via facsimile to Respondent or Respondent's attorney, whichever is earliest.

SO ORDERED.

DATED: 8-22-2005

Redacted Signature

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