



STATE OF NEW YORK
DEPARTMENT OF HEALTH

Public

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

May 6, 2005

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Trivandrum S. Ramaswamy, M.D.
Inmate #138855
Plainfield Correctional Facility
7272 Moon Road
Plainfield, IN 46168

Robert Bogan, Esq.
NYS Department of Health
Office of Professional Medical Conduct
433 River Street - 4th Floor
Troy, New York 12180

RE: In the Matter of Trivandrum S. Ramaswamy, M.D.

Dear Parties:

Enclosed please find the Determination and Order (No. 05-94) 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.

Five days after receipt of this Order, you will be required to deliver to the Board of Professional Medical Conduct your license to practice medicine together with the registration certificate. Delivery shall be by either certified mail or in person to:

Office of Professional Medical Conduct
New York State Department of Health
Hedley Park Place
433 River Street - Fourth Floor
Troy, New York 12180

If your license or registration certificate is lost, misplaced or its whereabouts is otherwise unknown, you shall submit an affidavit to that effect. If subsequently you locate the requested items, they must then be delivered to the Office of Professional Medical Conduct in the manner noted above.

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.

Request for review of the Committee's determination by the Administrative Review Board stays penalties other than suspension or revocation until final determination by that Board. Summary orders are not stayed by Administrative Review Board reviews.

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.

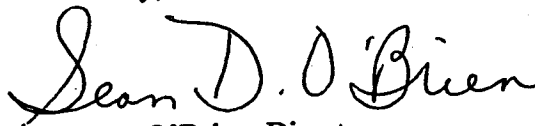
The notice of review served on the Administrative Review Board should be forwarded to:

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,



Sean D. O'Brien, Director
Bureau of Adjudication

SDO:cah
Enclosure

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

**IN THE MATTER
OF
TRIVANDRUM S. RAMASWAMY, M.D.**

DETERMINATION

AND

ORDER

BPMC-05-94

COPY

A "Commissioner's Order and Notice of Hearing" and a Statement of Charges, both dated March 10, 2005, were served upon the Respondent, **TRIVANDRUM S. RAMASWAMY, M.D.** **ELEANOR KANE, M.D.**, Chairperson, **JAMES ADAMS, M.D.** and **SR. MARY THERESA MURPHY**, 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 April 21, 2005, 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.** The Respondent did not appear at the hearing in person or by an attorney, did not file an answer and did not request an adjournment.

Evidence was received and transcripts of these proceedings were made.

After consideration of the entire record, the Hearing Committee issues this Determination and Order.

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.

1. **TRIVANDRUM S. RAMASWAMY, M.D.**, the Respondent, was authorized to practice medicine in New York State on November 12, 1976, by the issuance of license number 129333 by the New York State Education Department (Ex. 4).
2. On May 24, 2004, Respondent was found guilty of four counts of theft (all class D felonies), four counts of intimidation (all class A misdemeanors) and one count of Corrupt Business Influence (a Class C felony). Respondent was sentenced to imprisonment on each count, with the sentences to run concurrently. The net sentence was 3 years actual imprisonment, one year of in-home detention with electronic monitoring, and the last 3 years suspended, with probation. The Court ordered that Respondent not practice medicine in any jurisdiction during the period of probation. In explaining the harshness of the sentence, the Court stated that aggravating factors outweighed the mitigating factors, and listed the aggravating factors as:
 - History and pattern of abuse of trust and illegal business and billing activities that dates back as least 15 years;
 - Multiple victims who were particularly vulnerable, i.e. mentally or physically ill;
 - Defendant violated a position of trust, i.e. his victims were his patients;
 - One prior substance abuse offense. (Ex. 5)

3. On October 7, 2004, the Medical Licensing Board of Indiana ("the Indiana Board") issued an Order, based upon a previous consent agreement, revoking Respondent's medical license because of the criminal convictions. The Indiana Board also concluded that Respondent had engaged in fraud or material deception in the course of providing professional services or activities, that he had engaged in a course of lewd or immoral conduct connection with the delivery of services to the public. The Order cites examples of evidence adduced at the criminal trial that Respondent had, in effect, extorted or attempted to extort or inveigle funds ranging from \$400 to \$800 from a number of patients by, among other things, threatening them with a loss of Social Security benefits if they did not pay him (Ex. 5).
4. On March 18, 2005, Respondent was personally served with the Statement of Charges and with the "Commissioner's Order and Notice of Referral Proceeding" summarily suspending his license based upon the felony convictions and setting the matter down for a hearing on April 21, 2005 (Ex. 2). On March 14, 2005, copies of these documents were sent to Respondent by Certified Mail, Return Receipt Requested and First Class Mail, along with a letter from the Department's attorney advising him that if the Department did not receive an executed license surrender from him or a request for an adjournment, his hearing would proceed (Ex. 3). The Department did not receive any correspondence from Respondent (Mr. Bogan's representation at the hearing), nor was an adjournment request received on his behalf.

HEARING COMMITTEE CONCLUSIONS

The hearing Committee concludes first of all that the Commissioner's Order suspending Respondent's license was proper under Public Health Law §230(12)(b), since Respondent was convicted of felonies in another state that would have been felonies in New York State (see, for example, Penal Law §155.30). Respondent's conviction of a number of crimes, at least some of which would also constitute crimes in New York State, also establish the validity of the Department's charge that Respondent committed misconduct under New York Education Law §6530(9)(a)(iii).

In addition, the conduct resulting in the Indiana Board's disciplinary actions against Respondent would constitute misconduct under the laws of New York State, pursuant to New York Education Law §6530(9)(b) and (d), in that the conduct would have constituted misconduct in New York, had it been committed here, under:

- New York Education Law §6530(2) (practicing the profession fraudulently);
- New York Education Law §6530(17) (exercising undue influence on a patient);
- New York Education Law §6530(20) (moral unfitness);

VOTE OF THE HEARING COMMITTEE

SPECIFICATIONS

FIRST SPECIFICATION

Respondent violated New York Education Law §6530(9)(a)(iii) by having been found guilty of acts constituting crimes in another jurisdiction, where the underlying conduct would have also constituted crimes in New York State.

VOTE: SUSTAINED (3-0)

SECOND 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)

THIRD 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 was convicted of crimes in Indiana relating to his attempts (some successful) to bilk apparently elderly and/or disabled patients out of money, and that he subsequently had his Indiana medical license revoked because of this conduct. Inasmuch as Respondent's conduct constituted misconduct in New York State, as set forth above, the only issue remaining to be addressed is the appropriate penalty to be imposed for this misconduct.

Although properly served with notice of these proceedings pursuant to Public Health Law §230(10)(d), Respondent failed to appear at the hearing in person or by an

attorney or to request an adjournment, and failed to file an answer or produce any evidence in his behalf.

The Hearing Committee can find, therefore, no reason to impose any penalty short of revocation of Respondent's New York license. Respondent's conduct was not only misconduct, but demonstrated reprehensible disregard for the very underpinnings of the ethical practice of medicine.

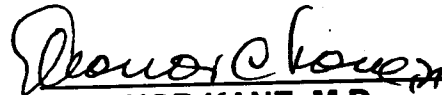
ORDER

IT IS HEREBY ORDERED THAT:

1. The New York medical license of TRIVANDRUM S. RAMASWAMY, M.D. is hereby REVOKED.

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

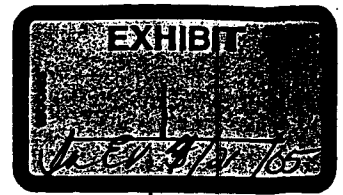
DATED: Rhinebeck, New York
5 May, 2005


ELEANOR KANE, M.D.
Chairperson

JAMES ADAMS, M.D.
SR. MARY THERESA MURPHY

APPENDIX 1

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



IN THE MATTER

OF

TRIVANDRUM S. RAMASWAMY, M.D.
CO-04-11-5775-A

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

TO: TRIVANDRUM S. RAMASWAMY, M.D.
Inmate # 138855
Plainfield Correctional Facility
7272 Moon Road
Plainfield, IN 46168

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 **TRIVANDRUM S. RAMASWAMY, M.D.**, Respondent, licensed to practice medicine in New York state on November 12, 1976, by license number 129333, has been found guilty of committing acts constituting a felony under the law of another jurisdiction, which if committed within New York state, would have constituted a felony under New York state law.

It is therefore,

ORDERED, pursuant to N.Y. Public Health Law Section 230(12)(b), that effective immediately, **TRIVANDRUM RAMASWAMY, M.D.**, 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 21st day of April, 2005, at 10:00 am in the forenoon at Hedley Park Place, 5th Floor, 433 River Street, Troy, New York. 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.

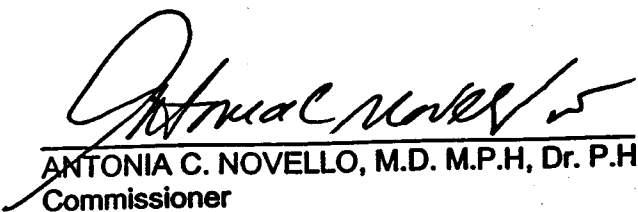
The hearing will proceed whether or not the Respondent appears at the hearing. Scheduled hearing dates are considered dates certain and, therefore, adjournment requests are not routinely granted. Requests for adjournments must be made in writing to the Administrative Law Judge's Office, Hedley Park Place, 433 River Street, 5th 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

March 10, 2005


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**

STATE OF NEW YORK

DEPARTMENT OF HEALTH

STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER

OF

TRIVANDRUM S. RAMASWAMY, D.O.
CO-04-11-5775-A

STATEMENT

OF

CHARGES

TRIVANDRUM S. RAMASWAMY, D.O., the Respondent, was authorized to practice medicine in New York state on November 12, 1976, by the issuance of license number 129333 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about May 24, 2004, in the Madison Superior Court, Division I, County of Madison, State of Indiana, Respondent was found guilty of four (4) counts of Theft, a Class D Felony, for which he was sentenced to twenty four (24) months confinement on each count, four (4) counts of Intimidation, a Class A Misdemeanor, for which he was sentenced to twelve (12) months confinement on each count, Corrupt Business Influence, a Class C felony, for which he was sentenced to seven (7) years confinement (4 years executed, the balance suspended), all sentences to run concurrently, the first three (3) years to be served at the Department of Correction, the final year to be served on electronic monitoring.

B. On or about October 7, 2004, the Medical Licensing Board of Indiana, (hereinafter "Indiana Board"), by a Findings of Fact, Ultimate Findings of Fact, Conclusions of Law and Order (hereinafter "Indiana Order"), REVOKED Respondent's license to practice medicine, based on fraud or material deception in the course of professional services or activities, lewd or immoral conduct in connection with the delivery of personal services to the public, and being convicted of a crime, as set forth in Paragraph A, above.

C. The conduct resulting in the Indiana Board's 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(2) (practicing the profession fraudulently);
 2. New York Education Law §6530(9)(a)(i) (being convicted of committing an act constituting a crime under state law);
 3. New York Education Law §6530(17) (executing undue influence on the patent);
- and/or
4. New York Education Law §6530(20) (moral unfitness).

SPECIFICATIONS

FIRST SPECIFICATION

Respondent violated New York Education Law §6530(9)(a)(iii) by being convicted of committing an act constituting a crime under the law of another jurisdiction and which, if committed within this state, would have constituted a crime under New York state law, in that Petitioner charges:

1. The facts in Paragraph A.

SECOND 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 committed in New York state, in that Petitioner charges:


1. The findings in Paragraphs A, B, and/or C.

THIRD SPECIFICATION

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

3. The facts in Paragraphs A, B, and/or C.

DATED: *March 10*, 2005
Albany, New York


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