



***New York State Board for Professional Medical Conduct***  
433 River Street, Suite 303 • Troy, New York 12180-2299 • (518) 402-0863

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NYS Department of Health

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NYS Department of Health

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Office of Professional Medical Conduct

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

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

*Public*

March 15, 2006

***CERTIFIED MAIL-RETURN RECEIPT REQUESTED***

John Varghese, M.D.  
20 Hancock Drive  
Horseheads, NY 14845

Re: License No. 149674

Dear Dr. Varghese:

Enclosed is a copy of Order #BPMC 06-58 of the New York State Board for Professional Medical Conduct. This order and any penalty provided therein goes into effect March 22, 2006.

**If the penalty imposed by this Order is a surrender, revocation or suspension, you are required to deliver your license and registration within five (5) days of receipt of this 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: Charles Ingraham, Esq.  
Aswad & Ingraham  
46 Front Street  
Binghamton, NY 13905

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

IN THE MATTER  
OF  
JOHN VARGHESE, M.D.

CONSENT  
ORDER

BPMC No. #06-58


Upon the application of JOHN VARGHESE, M.D. 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.

DATED: 3-14-06

  
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  
JOHN VARGHESE, M.D.**

**CONSENT  
AGREEMENT  
AND  
ORDER**

John Varghese, M.D., representing that all of the following statements are true, says:

That on or about April 16, 1982, I was licensed to practice as a physician in the State of New York, and issued License No. 149674 by the New York State Education Department.

My current address is 20 Hancock Drive, Horseheads, New York 14845, 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 1 specification of professional misconduct.

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

I admit guilt to the specification, in full satisfaction of the charges against me, and agree to the following penalty:

1. Censure and Reprimand.
2. Pursuant to §230(a)(3) of the New York State Public Health Law my license to practice medicine in the State of New York shall be permanently limited so as to permit me to practice only

anesthesiology, and such practice of anesthesiology shall only be in a facility licensed pursuant to Article 28 of the New York State Public Health Law.

3. Respondent shall cause his employer to annually submit written confirmation of Respondent's practice activities to the Director of OPMC.
4. Respondent shall successfully complete 20 Category 1 AMA CME credits to be pre-approved in writing by the Director, to be completed within one year of the effective date of the order.

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

That Respondent shall maintain active registration of Respondent's license 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.

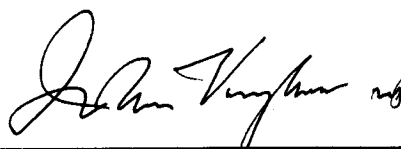
I understand that if the Board does not adopt this Consent Agreement, none of its terms shall bind me or constitute an admission of any of the acts of alleged misconduct; this Consent Agreement shall not be used against me in any way and shall be kept in strict confidence; and the Board's denial shall 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 stipulate that the proposed sanction and Order are authorized by Public Health Law Sections 230 and 230-a and that the Board for Professional Medical Conduct and the Office of Professional Medical Conduct have the requisite powers to carry out all included terms. 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.

DATED 27 Feb. 2006

  
\_\_\_\_\_  
John Varghese, M.D.  
RESPONDENT

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

DATE: 27 Feb 2006

  
CHARLES O. INGRAHAM, ESQ.  
Attorney for Respondent

DATE: March 3, 2006

  
JOSEPH H. CAHILL  
Associate Counsel  
Bureau of Professional Medical Conduct

DATE: 13 MARCH 2006

  
DENNIS J. GRAZIANO  
Director  
Office of Professional Medical Conduct

IN THE MATTER  
OF  
JOHN VARGHESE, M.D.

STATEMENT  
OF  
CHARGES

JOHN VARGHESE, M.D., the Respondent, was authorized to practice medicine in New York State on April 16, 1982, by the issuance of license number 149674 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

- A. Respondent provided medical care and treatment to Patient A (Patients are identified by name in Appendix A) from approximately June of 2000 through June of 2002. Patient A was referred to Respondent for pain management care. Patient A's chief complaints were back pain, headache, fatigue and insomnia. Respondent provided trigger point injections, prescribed Lorcet and Soma to Patient A for 2 years.

Respondent's medical care of Patient A deviated from accepted standards of medical care in the following respects:

1. Respondent failed to obtain an adequate history and perform an adequate physical examination of the patient.
2. Respondent failed to document communication with the patient concerning the risks and benefits of the medications prescribed.
3. Respondent failed to document the periodic review of the treatment plan despite evidence that the patient showed few signs of improvement.



4. Respondent treated the patient without obtaining records of other physicians who were also treating Patient A and providing her with opiod analgesics.
5. Respondent prescribed Soma to Patient A for excessive time periods.
6. Respondent failed to adequately document Patient A's medical care and treatment.

B. Respondent provided medical care and treatment to Patient B from August 2001 through October 2002. Patient B presented with a 6 year history of migraine headaches. Respondent's initial assessment included migraine and occipital neuralgia as well as suspected drug dependence. Respondent prescribes Percocet and Soma through October of 2002. Respondent's medical care of Patient B deviated from accepted standards of medical care in the following respect:

1. Respondent failed to obtain an adequate history or perform an adequate examination of Patient B.
2. Respondent failed to adequately address Patient B's suspected drug dependency.
3. Respondent failed to document an adequate treatment plan.
4. Respondent failed to adequately assess and evaluate Patient B's migraine headaches.
5. Respondent failed to document any communication with Patient B concerning the risks and benefits of the medications he prescribed.

6. Respondent failed to document the periodic review of the treatment plan despite evidence that treatment was not effective.
7. Respondent treated the patient without obtaining the records of other treating physicians.
8. Respondent failed to adequately document Patient B's medical care and treatment.

C. Respondent provided medical care and treatment to Patient C from approximately October 2001 through July 2002. Patient C presented with a six month history of right knee pain. Respondent prescribed Narco and Soma, later substituting Percocet and Lortab. Respondent noted possible drug dependency in May of 2002. Respondent's medical care of Patient C deviated from accepted standards of medical care in the following respects:

1. Respondent failed to obtain an adequate history and perform an adequate physical examination.
2. Respondent failed to obtain prior relevant medical records for this patient.
3. Respondent continued to prescribe controlled substances to Patient C even after Respondent suspected drug abuse and drug diversion.
4. Respondent failed to document the periodic review of the treatment plan despite evidence that the patient may have been diverting drugs.
5. Respondent failed to adequately document Patient C's medical care and treatment.

**SPECIFICATION OF CHARGES**


**Negligence on More Than One Occasion**

Respondent is charged with professional misconduct under N.Y. Education Law § 6530 by reason of his having practiced medicine with negligence on more than one occasion in that Petitioner charges:

1. The facts set forth in two or more of the following paragraphs:

- |           |           |           |
|-----------|-----------|-----------|
| A and A.1 | B and B.2 | C and C.1 |
| A and A.2 | B and B.3 | C and C.2 |
| A and A.3 | B and B.4 | C and C.3 |
| A and A.4 | B and B.5 | C and C.4 |
| A and A.5 | B and B.6 | C and C.5 |
| A and A.6 | B and B.7 |           |
| B and B.1 | B and B.8 |           |

DATED: March 7, 2006  
Albany, New York

  
Peter D. Van Buren  
Deputy Counsel  
Bureau of Professional  
Medical Conduct